DEMOCRATIZATION STUDIES

Democratization and Ethnic Minorities

Conflict or compromise?

Edited by
Jacques Bertrand and Oded Haklai

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Democratization and Ethnic Minorities

Many new democracies are characterized by majority dominance and ethnocentrism. Varying paths or transitions toward democracy create very different outcomes for how ethnic identities, communities and politics are recognized. This book illustrates the varied consequences of democratization, from ethnic violence, new forms of accommodation to improve minorities' status, or sometimes only minor improvements to life for ethnic minorities.

The book treads a nuanced path between conflicting myths of democratization, illustrating that there are a variety of outcomes ranging from violence or stability, to the extension of rights, representation, and new resources for ethnic minorities. Contributors discuss the complex mechanisms that determine the impact of democratization of ethnic minorities through five factors: inherited legacies from the pre-transition period, institutional configurations, elite strategies, societal organization and international influences. Global in scope, this book features a broad range of case studies, both country specific and regional, including chapters on Nigeria, Kenya, Turkey and Taiwan, Eastern Europe, the former Soviet Union, Southeast and East Asia.

This book provides new insights and makes an important contribution to existing debates. *Democratization and Ethnic Minorities* will be essential reading for students and scholars of democratization, nationalism, ethnic conflict and ethnic politics, political science, history, and sociology.

Jacques Bertrand is Associate Professor of Political Science at the University of Toronto, Canada.

Oded Haklai is Associate Professor in the Department of Political Studies at Queen's University, Canada.

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Contributors

David M. Anderson is Professor of African History at the University of Warwick. His current research examines the history of political violence in eastern Africa, wars of rebellion against colonialism, and the history of the Cold War in Africa. He is author and editor of 13 books, including *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* (2005), *The Khat Controversy: Stimulating the Debate on Drugs* (2007), and *The Routledge Handbook of African Politics* (2012).

Anika Becher is Associate Research Fellow with the GIGA Institute of African Affairs. Her primary research is on ethnicity and party bans in Africa. She is the author of several journal articles on this topic, including 'Parties in chains – do ethnic party bans in Africa promote peace?', *Party Politics* (2011) (with Matthias Basedau), 'Comparing ethnic party regulation in East Africa', *Democratization* (2010), and 'Party bans in Africa – an empirical overview', *Democratization* (2010).

Jacques Bertrand is Associate Professor of Political Science at the University of Toronto, Canada. He is the author of *Political Change in Southeast Asia* (Cambridge University Press, 2013) and *Nationalism and Ethnic Conflict in Indonesia* (Cambridge University Press, 2004). He is the co-editor, with André Laliberté, of *Multination States in Asia* (Cambridge University Press, 2010). His current research focuses on ethnonationalist mobilization and democratization in Southeast Asia.

Matthijs Bogaards is Professor of Political Science at Jacobs University, Bremen. He is the author of numerous journal articles on democratization, ethnic politics, and African politics. His recent publications include *Dominant Parties: Concepts, Measures, Cases and Comparisons* (Routledge, 2010) edited with Françoise Boucek, and *Ethnic Party Bans in Africa* (Routledge, 2013) edited with Matthias Basedau and Christof Hartmann.

Sebastian Elischer is Assistant Professor of Comparative Politics at the Leuphana University, Lüneburg, and a Senior Research Fellow at the German Institute of Global and Area Studies in Hamburg. His current research focuses on political parties in Africa and democracy. He is the author of *Political*

Parties in Africa: Ethnicity and Party Formation (Cambridge University Press, 2013).

Oded Haklai is Associate Professor in the Department of Political Studies at Queen's University in Kingston, Ontario. He is the author of *Palestinian Ethnonationalism in Israel* (University of Pennsylvania Press, 2011), winner of the 2012 Shapiro Award for Best Book in Israel Studies. He has published numerous journal articles and is also co-editor (With M. Elman and H. Spruyt) of *Democracy and Conflict Resolution: The Dilemmas of Israel's Peacemaking* (Syracuse University Press, 2013).

Sanjay Jeram is Assistant Professor (LTA) of Political Science at Brock University in St. Catharines, Canada. He received his PhD in Political Science at the University of Toronto in 2012 and was the recipient of a SSHRC doctoral fellowship. He has published several articles in journals such as *Ethnic and Racial Studies* and *Nationalism and Ethnic Politics*. He is working on a book manuscript on immigration and nationalism in the Basque Country of Spain.

André Laliberté is Professor in the School of Political Studies at the University of Ottawa. He is the author of *The Politics of Buddhist Organizations in Taiwan, 1989–2003* (Routledge, 2004) and co-editor with Jacques Bertrand of *Multination States in Asia* (Cambridge University Press, 2010), and, with Bruce Berman and Rajeev Bhargava, *Secular States and Religious Diversity* (UBC Press, 2013). He is involved in several research projects about diversity in China.

Gabrielle Lynch is Associate Professor in the Department of Politics and International Studies at the University of Warwick in the UK, and an editor of the *Review of African Political Economy*. She is the author of *I Say to You: Ethnic Politics and the Kalenjin of Kenya* (University of Chicago Press, 2011), a number of journal articles and book chapters, and co-editor of *Democratization in Africa: Challenges and Prospects* (Routledge, 2011). She also holds a UK Economic and Social Science Research Council grant for a project on 'Truth and justice: The search for peace and stability in modern Kenya'.

David Romano holds the Thomas G. Strong Chair in Middle East Politics at Missouri State University. His work has appeared in journals such as *International Affairs*, *The Oxford Journal of Refugee Studies*, *Third World Quarterly* and *Ethnopolitics*. He is also the author of *The Kurdish Nationalist Movement* (Cambridge University Press, 2006 – an updated 2010 translation is also available via Vate Publishing, Kürt Dirilişi: Olanak, Mobilizasyon ve Kimlik). Dr. Romano writes a weekly political column for Rudaw, an Iraqi Kurdish newspaper, and has spent several years living and/or conducting field research in Turkey, Iraq, Iran, Syria, and Israel/Palestine.

Brian Shoup is Assistant Professor in the Department of Political Science and Public Administration at Mississippi State University. His primary research

interests are ethnic conflict, state and nation-building, and Asian and sub-Saharan African politics. He is the author of *Conflict and Cooperation in Multiethnic States: Institutional Incentives, Myths, and Counterbalancing* (Routledge 2008), and co-editor of *US–Indian Strategic Cooperation into the 21st Century* (Routledge, 2006).

Simon Toubeau is García Pelayo Fellow at the Centro de Estudios Politicios y Constitucionales, Madrid. His current research focuses on nationalism, political parties, and federalism and regionalism in Europe. He is co-editor of a special issue of *West European Politics* entitled 'The Party Politics of Territorial Reform' and the author of several journal articles.

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outputs – new understandings of previously neglected or understudied aspects of the nature of ethnic identity formation, the causes of ethnic conflict, and the relationship between ethnic conflict and democratic governance. Project information is available at www.queensu.ca/edg/index.html.

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1 Democratization and ethnic minorities

Jacques Bertrand and Oded Haklai

Many scholars and policymakers share the conviction that democracy promotion generates stability and cordial relations between various ethnic groups. Backing this position, several empirical studies show that the movement from an authoritarian to a democratic regime has improved ethnic group relations in many cases (Gurr 2002; Lindberg 2006).[1] As a result, in the latter part of the twentieth century and the dawn of the twenty-first century Western governments strongly encouraged transitions from authoritarianism around the world.

Yet, democratization in its early stages can sometimes be accompanied by increased levels of ethnic tension, if not outright inter-communal violence (Snyder 2000; Rothchild 2004; Young 2006; Rudbeck 2007). And when relations sour, minority groups tend to be most vulnerable. During democratization in Estonia, for example, millions of Russian speakers were stripped of their citizenship. Likewise, following the ousting of President Hosni Mubarak in February 2011, tens of thousands of Christian Copts fled Egypt in fear of harassment and persecution. And in Rwanda, attempts to introduce open elections in the 1990s precipitated a bloody war that culminated in genocide.

Why do some democratization processes yield conflict and violence whereas others are followed by accommodation and compromise? *Democratization and Ethnic Minorities* analyzes the mediated effects of regime change on ethnic group relations. Varying paths toward democracy shape differently how ethnic politics are organized and conducted and how minorities fare under the new regime. Democratization generally does not produce more violence. Yet, it does not necessarily yield substantive equality for ethnic minorities.

The core of our analysis thus revolves around identifying the mediating factors that influence whether democratization leads to improvement or deterioration in ethnic group relations. Why do relations between ethnic groups (and ethnic groups and the state) improve in some cases while they worsen in others? Under what conditions do ethnic minorities suffer during democratization and when do they benefit? When have newly democratic regimes introduced mechanisms to integrate or accommodate ethnic minorities and in what way? Covering a wide array of cases, the chapters in this book clarify some of the mechanisms through which democratization produces favorable (or unfavorable) outcomes for ethnic relations and minorities.

Democratization

Transitions from authoritarian rule are neither linear nor uniform across all cases. At the most fundamental level, democratization refers to a significant and relatively sudden shift away from authoritarian to more open politics, involving some rotation of government through periodic elections. In some cases elections are a clear marker, while in others they play a complementary role. Democratization can sometimes entail the establishment of particular forms of representative institutions, checks and balances on executive or legislative power, the strengthening of judiciary independence, greater scope for popular participation, and greater opportunity to voice grievances or access state resources. And yet, not all of these aspects occur in all cases, nor do they appear in similar sequences.

Ideally, a consolidated democracy should be the end-game of the democratization process (Przeworski 1987). Yet, some new democracies have consolidated rapidly, while others have reverted back to authoritarianism. Others remain fixed between some degree of transition but never fully consolidate. Bratton and van de Walle (1997: 119–122) have identified four possibilities: precluded transitions, blocked transitions, flawed transitions, and successful transitions.

In many cases of multiethnic societies, transitions to democracy have produced procedural rather than liberal or substantive democracies, with an overly strong emphasis on open elections. Many of these new regimes are characterized by majority dominance and ethnocentric political leaders (Snyder 2000; Carothers 2007; Miall 2007). They are frequently premised on a specific relationship between the nation and the state, whereby the nation is cast as an expression of a particular group, for example, Romanians in Romania, Serbs in Serbia, and Malays in Malaysia (Haklai 2011). In spite of having regular and seemingly transparent elections, these states often lack checks on majoritarian executive power and fail to provide protection and rights to minority groups.

The time frame involved in transition presents further conceptual challenges. In many cases, transition is rapid and a democratizing country quickly establishes a new and young democracy. The Czech Republic is a case in point. Yet, in other cases, a prolonged mixture of authoritarian and democratic features makes it very difficult to differentiate a transitional from a new democracy. The introduction of electoral procedures in Turkey in 1946 and the subsequent ousting from power of the perennial Republican People's Party in 1950 are seen as watershed marks for Turkey's transition. Yet the continued heavy involvement of the military in politics and the occasional coup suggest that democratization in this country cannot be understood using the same time frame as in the Czech Republic. It has only been since the 1990s that the military's involvement in politics has gradually been scaled down to levels acceptable in democracies. The complexity of Turkey shows that while it may be useful to make conceptual distinctions, in actual cases it is not obvious to differentiate a transitional from a new democracy. Ultimately, the moment when a democratizing state has become an established new democracy is not always easily identifiable.

Our category of democratizing states is, then, relatively broad yet distinct from new democracies. It may or may not lead to the establishment of a consolidated democracy. It includes those states that experience the disintegration of an authoritarian regime and adopt some democratic institutions, even if they continue to possess nondemocratic characteristics.

The parameters of conflict: violence, stability or meaningful accommodation

Violence or stability is not the only anticipated consequence of democratization. While much of the literature focuses on this binary outcome, the reality is best represented as a continuum (de Nevers 1993; Huntington 1996; Smith 2000; Rothchild 2004). At a first level, we focus on processes that explain whether democratization increases violent ethnic conflict, or whether it allows a stabilization of peaceful relations, defined as the absence of violence. At a second level, the absence of violence – or stability – is not wholly revealing of the quality of ethnic group relations. While minorities may choose not to turn to organized political violence, the absence of violence does not necessarily indicate that they have gained improved institutional means of advancing their interests and negotiating over power, resources, or representational advantages. Instead, some groups become paralyzed under a new status quo that provides them with few improvements from the previous authoritarian regime. Others gain access to new forms of institutional representation or bargaining leverage that allows them to voice their grievances, access new audiences, and negotiate favorable outcomes, whether these include more power to manage their own affairs, new resources, or new forms of cultural expression and protection.

Violence is costly and only in rare cases is it sustainable. Rather than the norm, violence represents the exception. Civil wars, for instance, represent only a small fraction of relations between ethnic minorities and majorities. Many studies focus on violent outcomes, since they are the most obvious breakdown of ethnic relations and are more easily observable. Studies of civil war use a broader measurement, with a higher threshold of violence and recorded deaths (typically 1,000). While the outcome applies to a broader set, some studies have more systematically addressed civil wars involving ethnic minorities (Fearon and Laitin 2003; Sambanis 2001, 2004; Cederman *et al.* 2010). The Minorities at Risk (MAR) data, another common dataset, focuses explicitly on ethnic minorities and measures violent outcomes by "rebellion." It offers a broader range of violent outcomes, from sporadic acts of terrorism or banditry to different degrees of guerrilla warfare or civil war (Gurr 2000). Finally, studies of ethnic rioting similarly seek to observe instances of mass action involving property destruction and sometimes deaths.

Many scholars have disaggregated types of violence to better understand their respective causes and the dynamics of escalation. The analysis of causes of violence is distinct from factors explaining its outbreak, its escalation, and, ultimately, its end. Causes, for instance, can range from competition over resources,

group inequalities, or the presence of ethnic "entrepreneurs". While these factors explain the intensity of grievances or tensions among ethnic groups, they cannot explain why, at a particular point, violence erupts. Instead, the study of violence recognizes the necessary but insufficient presence of these types of causal factors and assesses instead the specific triggers, resources, or responses to events that tip group tensions into violent behavior (Dixon 2009).

Specific resources create potential for more or less violent mobilization. The availability of weapons and training in armed combat, for example, contribute much more to explaining the scale of violence than grievances. Civil wars are more likely to occur in locations where ethnic groups are territorially concentrated and represent a fairly high proportion of the population. Where there is strong polarization, with one ethnic group constituting more than 50 percent of the population and a rival ethnic group representing also a high percentage of the population, the probability of civil war is higher (Collier and Hoeffler 1998: 567–572; 2004: 588). Ethnic fractionalization to some degree increases the probability of civil war but too much fractionalization diminishes it. Combined with country income levels, it is a strong predictor of where civil wars are more likely to occur. Low-income countries are much more likely than higher income countries to experience civil war, given similar degrees of ethnic fractionalization (Fearon and Laitin 2003: 82). Too much fractionalization increases the costs of organizing a coherent and sufficiently powerful group to participate in civil war. At the same time, it is possible that the presence of a dominant ethnic group, representing a majority, might increase the probability of civil war because ethnic minorities will feel more excluded or victimized (Sambanis 2005: 313).

The relationship to income level may represent as much a source of grievance and competition over resources at low-income levels as state weakness. At higher income levels, states are better able to finance their armed forces to prevent or repress rebellion and civil war. At the same time, ethnic minorities are more likely to enjoy some benefits from a higher income economy.

The distinction therefore between background causes of ethnic group tensions and factors specific to the eruption of violence is key. Regardless of grievances or ethnic group discrimination, there are specific conditions that encourage or reduce the potential for violence. As Fearon and Laitin note, "surely ethnic antagonisms, nationalist sentiments, and grievances often motivate rebels and their supporters. But such broad factors are too common to distinguish the cases where civil war breaks out" (Fearon and Laitin 2003: 76). Low-income states are more at risk, since enrolment as a rebel might become an attractive source of income. Poorer countries are more likely to have weak states and be unstable (Fearon and Laitin 2003: 89). "Feasibility" is a greater predictor of civil war outbreak than grievances or opportunities for plundering resources (Collier *et al*. 2008: 24).

The gap will be greater between the causes of conflict and conditions of violence when larger scale, more organized violent resistance is involved. Insurgency may lead to lesser violence than civil war, on a range that may involve small bands of armed or loosely armed guerrillas but civil war entails much more

organized armed groups. Even riots require some minimal organizational conditions, including the presence of riot entrepreneurs. As Horowitz has argued, the "background conditions" are different from catalysts and triggers of riots (Horowitz 2001). Violence may result more from government repression of mobilization around certain issues. As Wilkinson found in the case of India, Sikhs and Kashmiris became more likely to join armed militant organizations because the state more strongly suppressed religious mobilization, whereas it allowed more open expression of linguistically based grievances. It is therefore not the presence or absence of grievances per se that leads to more violent outcomes, but government responses to claims along ethnic lines (Wilkinson 2008: 292).

The range of violent outcomes may therefore be classified on a continuum between riots to civil wars. Factors such as national income, availability of arms, ethnic fractionalization and concentration, and government suppression may explain to a large extent the severity and form of violence, whereas the causes of conflict per se may differ.

The absence of violence, rather than indicating a true point of congenial relations, may disguise nonviolent conflict. Various forms of protest often characterize outwardly observable forms of conflict, short of violence (see Figure 1.1). Mass demonstrations are an obvious form but petitions, strikes, or sit-ins are other examples. Under less open political systems, evidence of conflict may be more subdued and be only available through quiet disgruntlement, foot-dragging, and only occasionally be punctuated by some form of mass expression of discontent. Papuans in Indonesia, for instance, were often quietly disgruntled under suppression by President Suharto's authoritarian state, but would occasionally gather to raise the Morning Star flag, symbol of desire for an independent state. Such low-level, seemingly stable, forms of conflict, given certain conditions of mobilization, could well develop into a variety of violent forms.

Yet even during democratization, the absence of political mobilization is not necessarily an indication of equality or satisfaction. Minority quiescence is not an uncommon outcome during transition and even at later stages when democracy is increasingly, if incrementally, consolidating. In Estonia, for example,

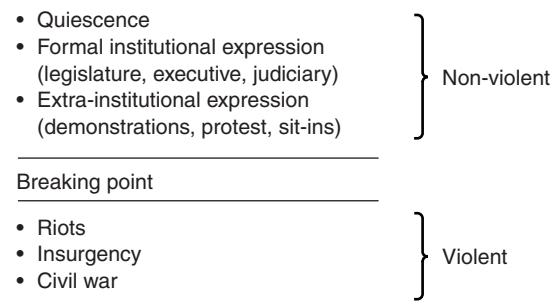

Figure 1.1 Forms of conflict.

the Russian-speaking minority, relatively privileged under the Soviet regime, remained passive during transition, despite being stripped of citizenship and widespread sentiments of mutual animosity between Estonians and Russians (Schulze 2010). Similarly, scholars have noted that Arab citizens of Israel were quiescent in the first two decades of the state's existence despite serious misgivings about their underprivileged status (Lustick 1980; Haklai 2011). In this case, literature published by Arab elites and public opinion polls revealed the extent of animosity and minority misgivings despite the seeming quiescence. More generally, the lack of mobilization even during transition and the early days of a young democracy may be attributed to the absence of organizational capacity, resources, political opportunities, or a capable leadership rather than harmonious relations (Romano 2006; Haklai 2011: 13–35). In short, observed stability often disguises a range of nonviolent forms of conflict. While some can be observed and empirically measured, others require more intense scrutiny to unveil less conspicuous tensions.

Certain forms of institutional mechanisms associated with transition create conditions by which ethnic relations can be managed and conflict usefully addressed (see Figure 1.2). The very process of democratization should improve the capacity of groups to voice claims through institutionalized channels, by forming political parties and civil society organizations, petitions to the courts, and lawful rallies and demonstrations. Furthermore, democratic regimes should be better positioned to create meaningful institutional representation for ethnic minorities (as opposed to the façade of representation in an authoritarian context); devolve power to territorially concentrated ethnic minorities; implement laws to protect them and extend rights; and share power and respect exclusive jurisdictions.

Democratization, however, does not uniformly lead to accommodation of minority claims. In some cases, particularly where democratization involves state formation, the demos is defined in congruence with dominant group ethnos, marginalizing minorities and leaving them outside the boundaries of the national and political community. In his seminal work on the transitioning part of

• Repression
• Limited institutional channels and protection (e.g. a few protections, small parliamentary representation)
• Range of institutional channels, protection and rights (e.g. linguistic rights, religious freedom, territorial autonomy, significant parliamentary representation)

Figure 1.2 Degrees of accommodation.

post-communist Europe, Roger Brubaker (1996) coined the term "nationalizing nationalism" to distinguish those cases of multicultural societies in which a dominant group came to "own" the state during transition. Such states, defined by Haklai as "non-autonomous" states (2011: 14–16), pursue policies that inherently privilege the dominant nation (sometimes referred to as the titular nation) culturally and materially. As Diamond and Plattner have rightly pointed out, in such deeply divided democracies, where ethnonational identities form the core political cleavage around which the electorate mobilizes,

> elections take on the character of a "census" and constitute a zero sum game: one ethnic group or coalition or party wins by its sheer weight, and others see themselves as losing all, excluded not only from the government but also from the larger political community.
>
> (Diamond and Plattner 1994: xviii–xix)

How excluded minorities respond to their institutionalized inferiority, as we have already noted, is not contingent on the extent of their measurable inferior status or the quality of their grievances. Russians in Estonia remained passive in the face of their deteriorating status, whereas Albanians in Macedonia formed an armed group that engaged in violent insurgence against Macedonian domination.

In contrast to the cases of minority exclusion, there are also many instances in which transition can increase compromise and accommodation in various ways. Politically, there are mechanisms to include diverse groups in decision-making processes, either by formal power-sharing arrangements, or through practices of relatively inclusive coalition governments that mitigate majoritarianism. Diverse forms of compromise and accommodation can take place in other spheres as well, including the economic, cultural, and social. Thus, redistribution of economic resources, recognition of minority language as official language, and educational institutions in minority languages are all means of accommodating diversity. Affirmative action programs to advance equitable representation in public institutions and the job market are also possible.

Our range of analysis exhibits a large variation in the possible outcomes from diverse regions of the world. It includes evidence of conflict on a continuum from different violent forms to more covert ones, to accommodation and compromise. Our cases include some violent and highly lethal civil wars or insurgencies; instances in which ethnic minorities retain high levels of grievances against ethnic majorities but either remain passive or make claims through a variety of other forms of political activity; and cases in which accommodation is managed. In most cases, the time span covers periods with different observable outcomes that can include violence, but more commonly includes varying degrees of exclusion and inclusion, or accommodation, of minorities, on the one hand, with diverse forms of political organization and mobilization by ethnic groups, on the other hand.

Given that the pre-transition starting points vary from country to country, many of the chapters in this book compare periods before and after democratic

institutions have been introduced to assess movements along this continuum. Why does the introduction of democratic institutions allow greater negotiation and accommodation of ethnic minorities in some instances and not in others?

Mediating democratization

The impact of democratization on the quality of ethnic relations and the relationship between the state and ethnic groups is mediated by other factors. We aim to identify ways by which various mechanisms lead to diverging outcomes. We do so by examining multiple levels of analysis, including domestic institutions, analysis of elite decision-making, and the international realm. Of course, while isolating particular levels of analysis, and even more so, single variables, may be helpful for analytical tidiness, in reality it is the interaction of factors at multiple levels that shapes outcomes.

Institutions, institutional change, and pre-transition legacies

Institutions constitute sets of rules that guide the behavior and strategic calculations of political actors, including ethnic groups. States with well-established institutional frameworks and high enforcement capacity are better able to set firm rules constraining groups and limiting their ability to engage in violent conflict (see, for example, Kohli 1997; Ottaway 2007: 603). Ethnocentric appeals, on the other hand, are most successful when "representative institutions, political parties, and journalistic professionalism are weakly established during the early phase of the democratic transition" (Snyder 2000: 37).

From a dynamic perspective, democratization may be conceived of as a *critical juncture* whereby previous institutions are weakened or replaced, new opportunities or uncertainties appear for ethnic groups, and new terms of inclusion are renegotiated (Bertrand 2004: 9–27). It entails significant institutional change and instability during which actors and groups compete for political power and resources. In some cases, instability itself can be beneficial for expanding minority rights. Yet, because a well-established institutional infrastructure is not a common characteristic of transitions in divided societies, violence may also erupt.

Institutional change does not necessarily mean that pre-transition institutions are of negligible significance. On the contrary, institutional inheritance from the pre-transition period can be highly consequential for societal relations during transition and its immediate aftermath, as Haklai discusses in Chapter 2. There is no reason to assume that societal relations should begin from a clean slate when democratization occurs, even if it indicates a new departure. Analyzing the emergence following regime transition of ethnic democracies (defined as democracies in which the state is *officially* owned by a dominant segment of the population), Haklai focuses on (1) the ambiguous impact that such regimes have on state–ethnicity relations, and (2) the significance of pre-transition institutional legacies on the emergence of these regimes and the quality of ethnic relations. He finds

that, on the one hand, the benefits of individual political rights and civil freedoms are generally extended to individuals belonging to minority groups; on the other hand, far from generating equality between ethnic groups or substantive accommodation, the formal institutional mechanisms of many new democracies lend themselves to the institutionalization of stratification along ethnic lines. In the first place, institutional legacies influence whether ethnic democracies emerge. When formal ownership of the state is inherited from the pre-state period, dominant majorities are generally unwilling to renegotiate the national identity embodied by the state during transition, but use the tools provided by democratic procedures to enforce majority privileges. New states that focus on consolidating national legitimacy are particularly prone to accentuating boundaries of exclusion. Well-established states, on the other hand, where the institutional infrastructure of the state is not under scrutiny, are more prepared to accommodate minorities on some levels, so long as the inherited national identity of the state is not questioned.

Haklai's position on the significance of institutional legacies stands as a caution against arguments by some scholars that the mere introduction of democratic procedures eventually leads to a reduction in the salience of ethnic rivalries, providing the implementation of these procedures is persistent. Relying on a study of over 200 "third-wave" elections in Africa, Lindberg (2006), for example, has argued that repeated elections, irrespective of how free and fair they are, have a positive effect on human rights and democratic values generally, and ethnic group relations and minority rights in particular. Gurr (2002) concurs: his cross-national analysis (based on the MAR database) suggests that the overall impact of democratization is positive, and political and economic discrimination against minorities declines. Haklai shows that such outcomes can vary according to prior institutional legacies. Lynch and Anderson (Chapter 5) go even further by showing, in the case of Kenya, that elections sometimes trigger cycles of violence, particularly when they are introduced in the context of generally weak state institutions prior to democratization.

This analysis of institutional change occurs against the backdrop of a well-established debate between consociationalists and centripetalists regarding the impact of various institutional configurations on violent conflict. To avoid group polarization, consociationalists propose that elites of all major groups in society be given a stake in maintaining the political system by guaranteeing representation in governing institutions. Elites thus obtain incentives to remain within the state and avoid violence, but they also ensure the institutionalization of minority group rights. Arend Lijphart (1969, 1977, 1985, 2004) has proposed constitutional designs that adopt elections by proportional representation (ideally, closed-list PR in reasonable sized districts); a parliamentary form of government; power-sharing cabinets in which posts are reserved for ethnic groups; a head of state selected by Parliament (i.e., a prime minister rather than a president); decentralization of authority to groups or regions (federalism) combined with some autonomy in the spheres of culture, religion, and education, as well as public funding for autonomous cultural and educational institutions. Context

matters when it comes to the extent and particular configuration of how these recommendations should apply but the guiding principle is the need to check majoritarian institutions and prevent dominant groups from monopolizing power, thus providing incentives for minorities, marginalized groups, as well as radicals to participate in conventional politics rather than resort to violence (O'Leary *et al*. 2005; Wolpe and McDonald 2006).

Alternatively, centripalists such as Donald Horowitz (1990, 1991, 1997, 2000: 291–364; 2006a, 2008) suggest that such institutionalization of ethnic identities is likely to entrench their political salience and intensify polarization. Instead, institutional arrangements that attract leaders to the center of the political spectrum, they argue, provide incentives for building inter-communal alliances and encourage political parties to appeal to the electorate beyond their niche ethnic group. The logic of Horowitz's *centripetal* prescriptions is consistent with much of the political party literature. Several scholars find that proportional representation electoral rules produce fragmented and polarized systems with few incentives for political parties to appeal to the median voter or moderate their position (Downs 1957; Laver and Schofield 1998; Haklai 2011). On the contrary, since in consociational arrangements, ethnic groups are guaranteed a place at the decision-making table, political parties are more interested in maximizing their support within the ethnic group, thus encouraging a hardening of positions rather than moderation and compromise (Haklai 2011). Thus, Horowitz's centripetal approach should not be interpreted as an endorsement of unmitigated majoritarian rule, but as an attempt to make ethnicity less relevant in political life.

Empirical studies have failed thus far to show conclusive evidence supporting either side of the debate. Benjamin Reilly (2002), for example, compared Estonia, Fiji, Northern Ireland, and Papua New Guinea, and found that the alternative vote electoral system does, under certain circumstances, discourage the formation of ethnic parties that replicate ethnic divisions while promoting cooperation by competing parties. Ian Spears (2002), examining Sierra Leone, Angola, and Rwanda, also concluded that the track record of power-sharing arrangements in these three countries is not promising. In contrast, Pippa Norris (2008), conducting a cross-national time series analysis in conjunction with qualitative analysis of paired case studies, argued that consociationalist solutions have a better track record than centripetalist ones.

Trying to advance the debate beyond its traditional parameters, emerging research is evaluating the impact of bans on ethnic parties in Africa and beyond as a means for reducing the salience of ethnicity in politics. Bogaards, Elischer, and Becher (Chapter 3) observe that ethnic party bans are the norm in many third-wave democratizing parts of the world, including Asia, Latin America, and post-Communist Eurasia. In Africa, only six countries eschewed such bans in 2009. Two types are identified: (1) so-called negative bans that prohibit appealing to a single ethnic group or making ethnic claims exclusively on behalf of the group, and (2) "positive" bans that provide incentives to parties to appeal to voters beyond a single ethnic group, primarily through registration

requirements for geographical distribution of members, candidates, and voters. The second policy option in particular is consistent with Horowitz's centripetal approach.

Bogaards and his collaborators ask whether ethnic party bans in general and "positive" bans, more specifically, help to create national parties in Africa. Relying on a new database, their evidence shows that 23 African countries had legislation that required parties to demonstrate regional distribution and represent multiple groups. It suggests a strong positive relationship between positive ethnic party bans and the extent of nationalization of parties. States with positive ethnic party bans have also seen a growth in broad-based national parties that appeal to large constituencies and claim to represent more than a niche ethnic clientele. Identifying this pattern, Bogaards *et al*. move the consociational–centripetal debate beyond its conventional boundaries.

Whether party bans or other ethnically focused institutional mechanisms are introduced at times of transition is in part influenced by constitutional negotiations. Given its far-reaching implications, it is somewhat surprising that the existing literature on ethnic politics has not paid more attention to constitutional negotiations. After all, the transition period is characterized by a high degree of uncertainty and a new constitutional settlement creates institutional structures that become difficult, if not impossible, to reverse once enshrined.

Simon Toubeau (Chapter 4) addresses this lacuna. He pays particular attention to the varying influence of regional-nationalist parties in constitutional negotiations and their subsequent impact on constitutional outcomes. He analyses their relative power and how the electoral and party systems shape their ability to control the agenda. By contrasting Czechoslovakia and Spain, he argues that the ethnonationalist minority in the former case exercised a practical veto power in the constitutive national assembly and executive, and could therefore exercise considerable control over the political agenda. Founding elections shaped the power of political actors during negotiations. Such elections determine whether nationalist parties form, have an interest in accentuating differences during the election campaign, and provide the incentives for moderation or line-hardening in their aftermath. The proportional representation system in Czechoslovakia enabled the election of powerful ethnonationalist parties that eventually led to partition, whereas rules in Spain encouraged nationwide parties that could remove questions of minority secession from the constitutional debate.

Elite strategies and ethnic group representation

When authoritarian regimes liberalize and a transition begins, elites redefine political strategies to make new gains in the changing environment. Elites in control of the state typically seek to preserve their power while opponents vie for new resources and representation. As O'Donnell and Schmitter (1986) observed, elite strategies and negotiated settlements create a certain amount of indeterminacy in transition paths. A democratic outcome may well hinge on

successful negotiations and alliances between state reformists and regime opponents. Conversely, democratization might be derailed if hardliners in the authoritarian regime gain the upper hand and crush attempts at reform.

In multiethnic societies, the interests of different ethnic groups may further complicate negotiations. Ethnic politics add a layer to elite strategies that strongly influence the calculus of potential gains and can contribute to undermining democratization. Not only must elite interests be met but ethnic groups often make claims for protection, representation, or even a special status before supporting a new political regime. Moreover, transitions may complicate even the definition and boundaries of ethnic identities. Some elites may skillfully redefine identities to correspond with their interests.

According to one prominent view, inter-group conflict arises because of elites' instrumental manipulation of ethnic identities (Barth 1969; Brass 1991; Posner 2004). In *From Voting to Violence* (2000), Jack Snyder argues that elites who seek to consolidate power during regime change appeal to parochial sentiments in order to mobilize support, thus engendering inter-communal animosities and often violence. Rothchild (2004) and Lemarchand (1994) argue that the 1993 to 1994 civil war in Burundi was a direct consequence of polarization during the initial steps toward democratization, when elites attempted to make electoral gains by mobilizing ethnic identities. Mobilization along ethnic lines allows elites to preserve power by limiting the effectiveness of pressures to further democratize. Ethnocentric elites frequently target minority groups to exclude them from political participation. "This tactic not only justifies curtailing the democratic rights of these purported 'enemies from within,' but just as importantly, it has a chilling effect on freedom of expression among all citizens" (Snyder 2000: 37).

Elite strategies nevertheless do not always produce violent outcomes. Democratization alters the calculus of political gains but not always in polarizing ways. Sometimes elites have strong incentives to build moderate coalitions and alliances while marginalizing hardliners and extremists. In this book, we emphasize at least three contingent situations in which elite interactions are much more complex than those depicted in the most polarizing cases. First, identity manipulation can be activated and identities reshaped for material gains but violence may coincide with electoral cycles. Second, with political liberalization, organizations claiming to represent a single ethnic group tend to multiply and divide according to moderate and extremist goals. Violent outcomes may result from intra-group competition for relevance or the upper hand of extremist over moderate organizations. Third, peaceful outcomes may arise when elite compromise or stratification is firmly consolidated prior to democratization. In the first instance, elites reach a bargain on ethnic group representation, which renders transition and elections more peaceful. In the second instance, a dominant elite might resist democratization pressures and consolidate its dominance to prevent full democratization.

Moving away from an authoritarian regime, the shift from single-party rule to multiparty elections creates incentives for political leaders to play distinct ethnic

cards. As Daniel Posner argues in the cases of Zambia and Kenya, "the shift from one-party to multiparty rules transformed the kinds of ethnic cleavages that mattered in politics" (2007: 1321–1322). Whereas in a single-party regime, elites had incentives to appeal to local level identities, regime transitions created incentives for broader appeals to larger communal units, such as sectarian, regional, or linguistic groups.

The converse may also be true. Elites may appeal to more local-level identities, and even create new identities, to pursue material gains. Claims to autochthony are particularly salient, as Lynch and Anderson argue in Chapter 5. Focusing on the Mount Elgon region of Kenya, they show that elites created new "ethnic signifiers" following the shift to multiparty democracy. As elections were introduced and district boundaries redrawn, an old conflict between the Sabaot and Bukusu was replaced by a new one among Sabaot-speaking groups. Political leaders sought to consolidate political support and assert rights to the ownership and political control of land. They introduced historical narratives about belonging and attachment to the land to justify their ultimate right to landownership and negate the land claims of other Sabaot-speakers. This politics of autochthony, characterized by questions such as "who really belongs on this land" and "whose homeland this territory really is," came to dominate the altered identity cleavages. Lynch and Anderson note that, among other things, "elections have become the means by which to advance land interests: concomitantly, land and ethnic identities have become tools in the hands of political elites." Confirming the overarching theme of this book, they stress that elections in-and-of-themselves are not the cause of the violence, but without additional institutional support, "the five-year cycle of elections has become its recurrent catalyst."

Yet, elites do not always see violence as a useful strategy. Peterson (2006) and Wolpe and McDonald (2006), for example, argue that successful transition in Burundi in the twenty-first century (which included a power-sharing agreement) was contingent upon having African leaders perceive inter-ethnic collaboration as more beneficial than conflict.

Under what circumstances then do political elites find it more beneficial to compromise and accommodate rather than engage in polarization? Bertrand and Jeram (Chapter 6) argue that democratization often leads to an increase in the number of organizations claiming to represent a single ethnic group, as well as to more competition between these organizations. Previously rebellious and dominant organizations often split immediately before or during democratic transitions. They also face new, moderate organizations seeking to direct group interests through newly established channels, rather than continue violent strategies. Violence sometimes increases as rebellious organizations seek to re-establish their dominance and relevance, particularly where competition is greatest and popular support has migrated to moderate organizations. Violence also tends to increase or resume when moderates fail to establish quickly the success of negotiated solutions with a new democratic government. The pattern of violent and nonviolent outcomes therefore varies considerably according to

the degree of competition between intra-group elites and their ability and willingness to force common strategies.

When elite compromises are reached prior to democratization, violence can be averted and ethnic relations improve. As Laliberté shows (Chapter 7), violence could very well have accompanied democratization in Taiwan because a minority group dominated the authoritarian regime. In these types of cases, subjugated majorities can easily seek retribution following regime collapse (Haklai 2000). In Taiwan, the ruling Kuomintang (KMT) party began to build interethnic alliances long before the democratization process began. According to Laliberté, the KMT realized that "it could not govern on a narrow ethnic base and, instead, had to encourage the formation of informal inter-ethnic alliances and find supporters in the Taiwanese ethnic majority." Hence, the leaders of the minority-dominated ruling party started to incorporate leaders from other communities into the party's governing echelon, initially from other minorities, and as transition grew closer, also from the larger Hoklo population. Although minority rule was never under threat during the reign of authoritarianism, these alliances served as foundations for (1) legitimizing transition, and (2) inclusive political organization and behavior during democratization, which in turn institutionalized some of these pre-transition alliances. Thus, the strategizing of the ruling elite, influenced by the distinctive ethnic minority rule character of authoritarianism, played a key role in the non-violent outcome in Taiwan.

Elite strategies can also produce nonviolent outcomes while maintaining ethnic dominance. As Haklai shows, such ethnic dominance is common in many cases of democratization. In Chapter 8, Shoup explores strategies ethnic elites have used to strengthen this dominance and maintain it even under pressure for reform and democratic change. He argues that elites in power, particularly in bipolar states, use ethnically based redistributive policies (EBRs) to undermine extremist elites that attempt to outbid them, polarize politics, and possibly resort to violence. EBRs allow them to prevent violence while also strengthening ethnic dominance. In addition, they appeal to ethnic mythologies and historical narratives to justify unfair redistributive policies and the established social hierarchy they create. Similar to Lynch and Anderson in the case of Kenya, where the discourse of autochthony usefully serves to justify certain claims to land, Shoup identifies cases where elites also use similar claims to indigeneity (or "sons of the soil" claims) to legitimize ethnically based redistribution. After independence, Fiji, Malaysia, and Sri Lanka all began as highly inclusive democratic governments but interethnic cooperation soon deteriorated. Shoup shows how the use of EBRs prevented polarization that could have led to violence at the cost of preserving more cooperative ethnic relations under an open democratic context. For ethnic elites advancing autochthonous claims open democratic competition became an instrument to establish and maintain dominance.

International influences

There is currently no consensus about how and the extent to which the international milieu can have a positive influence on intrastate ethnic politics. While many scholars have explained that international actors can help avert violence and advance respect for minority rights (Brusis 2003; Smith 2003; Kelley 2004; McMahon 2006), others are more skeptical. They argue that the impact of exogenous variables is conditioned by local variables (Brownlee 2007: 315; Csergo 2007: 1–22).

A number of external factors can have a positive influence. Prospects for integration into the European Union have provided incentives to recognize communal rights in democratizing post-communist countries (Smith 2003; Kelley 2004; Vachudova 2005). Powerful neighboring states, superpowers, strong international organizations, and even NGOs in places like Africa play important roles in mediation (Zartman and Touval 2007). International organizations and NGOs contribute to the diffusion of norms (Linden 2002; Kymlicka 2007). In recent decades there has been an upsurge in international treaties and declarations, including the International Covenant on Civil and Political Rights; the International Covenant on the Elimination of All Forms of Racial Discrimination; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; and the Declaration on the Rights of Indigenous Peoples. Although not judicially enforceable, these treaties and declarations codify norms on the treatment of minorities and pressure signatory states to respect them. According to Kymlicka (2007: 4), "states are increasingly monitored and judged for how well they comply with these norms, and failure to comply has resulted not only in criticism but also, in some cases, in tangible consequences."

The intricate way in which international pressures, including organizations and norm changes, interact with domestic politics is explored by David Romano (Chapter 9) in Turkey. Up until the end of the twentieth century, Kemalist mononationalist ideology prevented even the slightest accommodation of Kurdish demands as military intervention in politics hindered any attempt to diverge from the inherited legacies of the founding regime. Largely influenced by negotiations with the EU over Turkey's candidacy, however, the military's influence in politics declined and opened up opportunities for political organizations that may have previously been deemed too deviant from the founding ideology. The main benefitting political force from this change was the Islamist Justice and Development Party (AKP), which used EU accession criteria to delegitimize military interference in politics. According to Romano, the Islamist AKP's electoral calculus led it to build alliances with the Kurds and other societal groups that were marginalized under the Kemalist constitution. These domestic developments occurred at the same time as Turkey was applying for EU membership (Turkey officially became a candidate for accession in 1999). Presented to Turkey in 2002, the "Copenhagen criteria" for accession required that the country demonstrate, among other things, stable democratic institutions and the

preservation of human rights. Showing greater openness toward the Kurdish minority served not only to meet the human rights criterion but also, Turkey could hope, to advance stability and eliminate Kurdish insurgency. According to Romano, Turkey's reforms even went so far as to give "precedence to international human rights law over Turkish law when the two conflict. This has allowed individuals in Turkey to bring for arbitration in European courts human rights cases against Ankara." In short, the Turkish case serves as an excellent example of how the influence of the EU, combined with domestic electoral incentives, created more space for minority protection and the preservation of identity.

Some external factors nevertheless might increase tensions and exacerbate violent conflict. In Chapter 2, Haklai shows that countries in some regions suffer from events and influence across borders. Comparing cases in transitioning Europe, the Middle East and Asia, he shows that sometimes democratization and its immediate aftermath saw a worsening of conflict (even violence) where minorities had trans-border affiliations with ethnic populations in neighboring countries, for example, Kurds in Turkey, Muslims in southern Thailand, Albanians in Macedonia, or Russians in Estonia and Latvia. The regional dimension interacted with pre-transition tense relations between majority and minority groups to yield deterioration in the quality of ethnic relations.

In contrast to other regions of the world, however, in the European accession zone such negative regional influences have been somewhat mitigated by regional and international pressures in favor of minority protection and accommodation. According to Haklai, "new states in Europe, seeking to boost their image and enhance their reputation as part of the 'new Europe' have been particularly sensitive to these pressures." The European Charter for Regional or Minority Languages (1992) and the Council of Europe's 1995 Framework Convention for the Protection of National Minorities have led states seeking EU accession to modify their otherwise exclusivist policies. The tangible rewards offered by the EU (or by NATO in the case of Macedonia) led some states to pursue policies that counterbalanced prevalent majoritarianism. These policies ranged from power-sharing arrangements in Macedonia and inclusion of Hungarian parties in Slovakia's government to more minimal language policy reform in Estonia. Thus, in Europe a combination of regional regimes and new codified norms penetrated domestic politics to mitigate the majoritarianism that was emerging during the democratic transition.

There is no straightforward impact of democratization on ethnic conflict or on the improvement of the status of ethnic minorities. As the chapters in this book show, generally ethnic minorities gain more space to negotiate representation, resources, and protection of their rights, yet they also face a wide range of state responses. Democratizing regimes are not all favorable to ethnic minorities so that violence and conflict are often prevalent. Institutional constraints and configurations, mobilization strategies, elite alliances, and international pressures are some of the factors that mediate the effects of democratization which authors address in the following chapters. They offer specific propositions that explain

why in some cases democratization leads to political environments that are more favorable to ethnic minorities while in others it does not. These second-level analyses of mediating conditions counter the dire predictions of violent clashes at moments of transition but also cast serious qualifications on the assumption that all democrats respect ethnic diversity and value justice for aggrieved ethnic minorities.

Note

1 We use the term *ethnicity* in its broader meaning as a reference to ascriptive identities that can include race, language, religion, cast, and tribe (see Horowitz 2000: 41–54).

2 Regime transition and the emergence of ethnic democracies

Oded Haklai

This chapter is concerned with the emergence of *ethnic democracies*. Characterized by democratic political procedures on the one hand with formal and deeply institutionalized ownership of the state by a dominant group on the other, ethnic democracies may be found in many regions of the world that experienced democratic transition in the twentieth century. Most of the transitions in post-communist Europe engendered ethnic democracies, including Bulgaria, the Czech Republic, Croatia, Estonia, Latvia, Lithuania, Macedonia, Moldova, Romania, Serbia, Slovakia, and Slovenia. In Asia, Thailand before the 2006 coup may be said to have constituted an ethnic democracy. Botswana is a case in Africa. And in the Middle East, Israel and Turkey exemplify state ownership by a particular ethnic group coupled with a democratic form of government.

Although common, ethnic democracy is by no means a predetermined outcome of the democratization process (and likewise, some of the cases listed above are not a product of democratic transition). Furthermore, the treatment of minorities in ethnic democracies varies between cases and diachronically. It may range from various forms of recognition, as in the case of Hungarian minority territorial and language rights in Serbia, to outright suppression of expressions of minority collective identity, as in the case of Kurds in Turkey. Minority status can shift over time from subordinate and marginal to inclusive and participatory, as happened to Albanians in Macedonia following the signing of the Ohrid Framework Agreement in 2001.

Considering these variations, the purpose of this chapter is to increase our knowledge about how and why ethnic democracies emerge following transition, what influences the varying treatment of minorities in such regimes, and what lessons may be drawn from these experiences for the question of democratization and ethnic group relations more generally. The analysis reveals that legacies from the pre-transition period influence the patterns of majority–state–minority relations during and after the collapse of authoritarianism. Indeed, there is no reason to expect a blank slate in inter-group relations just because of a change in regime. Furthermore, the regional environment in which the new democracy is located can influence the treatment of minorities in the longer term, as external actors with clout can provide incentives and impose constraints on states seeking acceptance into the regional environment. A more general

significant lesson is that while democratization can deliver important liberal individual freedoms and protection for individuals – including those belonging to minority groups – such as political rights and freedom from persecution, we should not expect successful democratization to generate automatic equality between ethnic communities or substantive accommodation of minorities.

This chapter is divided into three sections. The first section clarifies the concept of ethnic democracy and identifies its key characteristics. The second section discusses key factors that influence the emergence of ethnic democracies following regime transition and the treatment of minorities within them, including institutional legacies from the pre-transition period and the regional neighborhood. The third section illustrates the argument with three case studies: Bulgaria, Estonia, and Macedonia. The chapter concludes by drawing general lessons from the cases.

Ethnic democracy

Ethnic democracy, a term used by Linz (1975) and Linz and Stepan (1996) and modified by Sammy Smooha (1990, 2002), is a type of political regime that combines democracy with formal ownership of the state by a dominant ethnic group.[1] In regimes falling under this category, a dominant group appropriates the state, controls political power, and defines the boundaries of the state's national identity in congruence with its own particularistic identity. Thus, ethnic democracy by definition entails hierarchical relations whereby the group that owns the state enjoys privileged access to resources. At the same time, the regime possesses procedures normally associated with democracy, including government turnover through regular, free, fair, and competitive elections; universal suffrage irrespective of race or ethnicity; independent judiciary; rule of law; and protection of basic freedoms, including speech, association, and press. An ethnic democracy extends individual, and in some instances collective, rights to the minority, but the appropriation of the state by a dominant group restricts, to varying extent, the capacity of minorities to exert meaningful influence in political life.

As a regime type, ethnic democracy differs from other prevalent forms of democracy, notably liberal-civic and consociational democracies. In liberal-civic democracies, such as France, the United States, and Australia, the boundaries of citizenship and nationality overlap such that the national identity embodied by the state is trumpeted as inclusive of all the citizens, irrespective of race or ethnicity. At the core of the political community are individuals; distinctive communal identities are not granted substantive institutional recognition – unless it is a self-defined multicultural liberal state like Canada (Kymlicka 1998), and the state claims to be formally neutral even though neutrality never exists in practice (Yack 1999; Kuzio 2002; Haklai 2011). In a consociational democracy, conversely, ethnic communities are privileged such that political institutions are structured around them. It is a participatory system that adheres to principles of power-sharing between key communities (Lijphart 1969, 2002).

Ethnic democracies are distinct from the other two types in significant ways. Unlike the liberal-civic type, ethnic identities play a major role in the constitution of political institutions, and the state formally recognizes differentiation through its constitution, declaration of independence, state symbols, and other foundational documents. Unlike the consociational type, however, ethnic democracy is majoritarian. Although in some cases minorities may receive limited group recognition, power is not shared. Rather, group recognition is manifested in formal stratification. Furthermore, in an ethnic democracy, the boundaries of citizenship and nationality do not overlap. The state is officially cast as an expression of the ethno-national identity of the dominant group. Although in some cases, particularly in the "European Union accession zone", minorities receive some degree of protection, members of minority groups in ethnic democracies are typically recognized, treated, and accorded rights as individuals only. Concomitantly, the majority enjoys the privileges of full membership in the core political community (Peled 1992).

Ironically, the formal institutional mechanisms of democracy, with their accent on individual political rights and aggregation of individual preferences, facilitate majoritarianism and the institutionalization of ethnic stratification in divided societies. When groups mobilize around ethnic identities, majorities, by virtue of numbers, can appropriate the state and maximize control over political institutions.

It is worth keeping in mind that like all types and models, ethnic democracies exhibit many empirical variations. In some instances, the quality of democracy is high on important indicators other than minority rights. States such as the Czech Republic and Israel possess substantive attributes of liberal democracies, whereas others, like Macedonia and Moldova, score lower on key indicators of democracy, as indicated in Table 2.1. Ultimately, to qualify for the ethnic democracy category, countries need to hold regular, competitive, free and fair national elections that enable the turnover of legislatures and executives. To facilitate identifying relevant cases, a regime has to be classified as an "electoral democracy" in the scheme devised by Freedom House. States that do not fulfill this minimum criterion, like Tajikistan, do not qualify on the "democracy" dimension of the category even if their majority–state–minority relations resemble ethnic democracies. Likewise, Malaysia, a borderline case, does not make the cut even though some analysts, including Smooha, and Shoup (Chapter 8, this volume) would disagree.[2] Undoubtedly, borderline cases will always pose a challenge to any attempt at drawing a clear boundary. In the case of Malaysia, exclusion from the list is a result of executive power being held by the same ruling coalition since independence as well as restrictions imposed on the press, free speech and political association, which hinder serious competition for power. Table 2.1 identifies 18 cases of ethnic democracy with identifiable minority groups of at least 5 percent of the population at the beginning of the twenty-first century. Most of the cases are in post-communist Europe.

Because ethnic democracy is a relational concept, another one of its important distinctive features – a characteristic that has thus far escaped the attention of

Table 2.1 Ethnic democracies around the world at the beginning of the twenty-first century with over 5 percent minority populations, relative majority group size, main minority groups, and the degree of political and civil liberty in 2010 (according to Freedom house)

Ethnic democracy	*Relative size of the titular group (%)*	*Main minority groups (% of general population)*	*Freedom House political freedom and civil liberty scores*[1]
Botswana	79	Kalanga (11); Basarwa (3)	3; 2
Bulgaria	84	Turk (9.4); Roma (4.7)	2; 2
Croatia	89.5	Serb (4.5)	1; 2
Czech Republic	90.4	Moravian (3.7); Slovak (2)	1; 1
Estonia	68	Russian (25.5); Ukrainian (2)	1; 1
Israel	76.5	Arabs (19)	1; 2
Latvia	58	Russian (29.5); Belarusian (4.1); Ukrainian (2.7); Polish (2.5); Lithuanian (1.4)	2; 1
Lithuania	83.5	Polish (6.7); Russian (6.3)	1; 1
Macedonia	64	Albanian (25); Turkish (4); Roma (2.7)	3; 3
Moldova	78	Ukrainian (8.4); Russian (5.8); Gagauz (4.4); Bulgarian (1.9)	3; 4
Montenegro (post-2006)	43	Serbian (32); Bosnian (8); Albanian (5)	3; 2
Romania	89.5	Hungarian (6.6); Roma (2.5)	2; 2
Serbia	82.9	Hungarian (3.9); Romany (1.4); Yugoslavs (1.1); Bosniaks (1.8)	2; 2
Slovakia	85.8	Hungarian (9.7); Roma (1.7)	1; 1
Slovenia	83.1	Serb (2); Croat (1.8); Bosniak (1.1)	1; 1
Thailand (prior to the 2006 coup)	75	Chinese (14); Malay-Muslim (4.6)	2; 3 (in 2005)
Turkey	70–75 (est.)	Kurdish (18); other minorities (7–12)	3; 3
Ukraine	78	Russian (17.3)	3; 2

Note

1 The first figure refers to the political freedom rating and the second to civil liberties. Countries are rated on a 7-point scale with 1 representing the most free and 7 the least free. Freedom House classification and methodology may be accessed online (www.freedomhouse.org/template.cfm?page=1).

analysts of ethnic democracy – is the presence of one or more identifiable minorities with distinct ethno-national identities. Indeed, in order for the concept of ethnic democracy to be meaningful, it is not enough for a state to reflect the national identity of a dominant ethnic group. There also need to be identifiable national minority groups whose national identities fall outside the boundaries of national identity reflected by the state. Thus, although the national identity embodied by the Japanese state is ethnically exclusive, Japan is not an ethnic democracy because the ethnic Japanese constitute 98.5 percent of this country's population. Likewise, the ethnic homogeneity of South Korea excludes it from

the list. Ireland is an interesting case. According to the 2006 census, about 87.5 percent of the population is ethnically Irish, yet the lack of an identifiable national minority prevents this country from joining the list.

It is important to stress that not all forms of ethnic domination in electoral democracies should justify the label "ethnic democracy" (ethnic domination exists in many shapes and forms). Javanese domination of Indonesia, for example, does not render Indonesia a case of ethnic democracy. This is because a key distinctive attribute of ethnic democracy, as previously stated, is that ethnic ownership of the state is formalized and the state is *officially* cast as an expression of the ethno-national identity of the dominant group. By incorporating this attribute, the conceptualization of ethnic democracy in this chapter departs from the much looser use of the term by Smooha (1990, 2002). For Smooha, domination does not have to be expressed through formal ownership of the state. The most conspicuous manifestation of formal ownership is congruence between state and dominant group names: Romania is the state of the Romanian majority; Latvians own Latvia; the Croats are the titular nation in Croatia; and the name change of Siam to Thailand in 1939 demarcated the sociological boundaries of the nation around the now titular majority – as did the name change of Botswana from the Protectorate of Bechuanaland following independence.[3]

Furthermore, foundational principles of ethnic democracies, often specified in constitutions, basic laws, national anthems, declarations of independence, and other foundational documents, formalize and institutionalize the distinctive ethnonational identity of the state and privilege salient cultural aspects of titular group identity, while concomitantly committing to fundamental human and individual rights associated with democracies. Israel's Declaration of Independence (1948), for example, declares the establishment of a Jewish state, which will be open for Jewish immigration and "will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex." Many of Israel's basic laws, which function in lieu of a constitution, reaffirm both the Jewish and democratic character of the state. Likewise, Thailand's numerous constitutions since transition from absolute monarchy – and subsequent name change from Siam – have invariably declared that it is a Thai-people state. The king, as head of state, must be a Buddhist, and the state is entrusted with protecting and providing patronage to the Buddhist religion, even though most of Thailand's constitutions over the years also committed to freedom of religion. The preamble to Macedonia's 1991 constitution defined it as "the national state of the Macedonian people" to the disgruntlement of the Albanian minority.

Thus, whereas there are diverse forms and extents of majority domination, and majority "ethnies" are widespread in the contemporary world even in self-proclaimed civic and multicultural states (Kaufmann and Haklai 2008), ethnic democracy is a category which deals with a specific form of domination. It is a category which captures the formalized ownership of the state and the national identity that it embodies by the dominant majority, the titular group, within

an otherwise democratic polity. Its main observable indicators include (1) an electoral democracy, (2) a titular nation, (3) one or more identifiable national minorities, (4) foundational principles specified in constitutions, national anthems, declarations of independence, and other foundational documents, that formalize the distinctive ethnonational identity of the state and privilege the titular nation's culture. How this form of domination comes about following regime transitions as well as the variable treatment of minorities in such regimes are discussed next.

Transitions and minority status

Speaking in broad terms, the emergence of an ethnic democracy is influenced by the institutional legacy of the state in question from the pre-democratization period. A minority's position in a new ethnic democracy is affected by the transitional path as well as by the regional environment.

Institutional legacies and transitional paths

Table 2.2 indicates that there is more than one transitional path leading to the formation of ethnic democracies. In Botswana and Israel, ethnic democracy was established at independence following the retreat of European empires. In other cases, including Bulgaria, Romania, Thailand, and Turkey, old dictatorships were replaced by ethnic democracies in already established states. Most contemporary cases of ethnic democracies were formed as a result of the disintegration of communist federations or unions, including the Soviet Union, Czechoslovakia, and Yugoslavia, into smaller states. Because the focus of this book is on democratization, it is the second and third forms of transition that are of particular interest to the analysis.

Table 2.2 Transitional paths to ethnic democracies

Path 1: Following retreat of European empires	*Path 2: Following deposed dictatorships in established states*	*Path 3: Following disintegration of communist polities into smaller states*
Botswana	Bulgaria	Croatia
Israel	Romania	Czech Republic
	Thailand	Estonia
	Turkey	Latvia
		Lithuania
		Macedonia
		Moldova
		Montenegro
		Serbia
		Slovakia
		Slovenia
		Ukraine

One conspicuous feature shared by the ethnic democracies that emerged following transitions along the second and third paths (and incidentally the first path too) is that the exclusive national boundaries of the polity were an institutional legacy from the pre-transition period. In the cases that followed the second transitional path, namely Bulgaria, Romania, Thailand, and Turkey, national identity embodied by the state was simply passed on from the pre-democracy era and was not subject to significant contestation during what the introductory chapter to this volume referred to as the "critical juncture of democratization."[4] In a nutshell, cases that followed the second path involved regime change but not state-building. Thus, the institutional infrastructure of the state was relatively well established and majority ownership of the state already consolidated. There was little opportunity for extensive renegotiation of the inherited national identity embodied in state institutions.

In cases that followed the third transitional path, too, the pre-transition infrastructure served to mark the national boundaries, as distinct from the citizenry as a whole, around a core nation. During the communist period, republics and other administrative units were established for particular culturally defined groups within the Soviet Union and the Yugoslavian and Czechoslovakian federations. In his seminal work, Brubaker (1996) has argued that these units privileged the language and culture of the core group, thus unintentionally serving to institutionalize a distinct ethnonational identity for the majority of the population residing under the jurisdiction of the republic. After the unions collapsed, these ethnoculturally defined republics turned into independent ethnically defined states, inheriting the boundaries of exclusion of their predecessors.

Broadly speaking, minority status either improved with democratization along the second transitional path, albeit without challenging titular group domination (mainly in the European cases), or remained relatively unchanged (outside Europe). In Bulgaria in 1990, for example, the government abolished the communist policy of compulsory assimilation of Turkish Muslims that required them to assume Bulgarian names. The right to practice Islam and speak Turkish was granted; the publication of a Turkish newspaper was permitted; and a predominantly Turkish political party, the Movement for Rights and Freedom, was established, winning 23 seats in the 400-seat national assembly in the first parliamentary elections in the post-communist era. No less significant, the effects of the mass exodus in 1989 – a result of the communist forced assimilation policy – were reversed as about half of the 300,000 Turks who left returned by the end of 1990. Likewise, the Hungarian minority in Romania has enjoyed improved collective rights in the realms of education and language, while the Democratic Alliance of Hungarians in Romanian (UDMR) even joined the governing coalition in Romania following the 1996 elections. Even in Turkey, as discussed by Romano in Chapter 9, the Kurdish situation has slightly improved over recent years, if not to the same extent as in Bulgaria and Romania, after the governing AKP sought to build new alliances with traditionally marginalized societal forces. In doing so, the new government eased the pressure on the Kurdish population and expanded the public space for the Kurdish language.

Only Thailand stands out as an outlier case, suggesting that the European environment might influence the treatment of minorities, a point that will be elaborated upon toward the end of this section.

In contrast, because transitions along the third path included the disintegration of supra-state communist polities and involved a greater degree of institutional reconfiguration than cases that followed the second transitional path, the institutional infrastructure of the state was not as well established. In many of these cases, new state elites, claiming to speak on behalf of the "core nation," took steps to solidify ownership of the state, promoting "the language, culture, demographic preponderance, economic flourishing, or political hegemony of the core ethnonational group" (Brubaker 1996: 9). Because, in the first place, separation from the larger supra-state communist entity was typically framed as an issue of a right to national self-determination of the seceding ethnonational group (Hale 2008), advancing titular group dominance in an ethnically defined state was accepted as a logical next step.

As a result of this transitional path, minorities were distinctly disadvantaged in the immediate aftermath of such transitions, more so than minorities in second path transitions (aside from Thailand). In some cases, major minority groups were excluded from the citizenry altogether, and hence were denied access to political participation. In Estonia and Latvia, for example, the Russian minorities were stripped of their citizenship through laws that granted citizenship only to these countries' pre-1940 citizens and their descendants. In both cases, and in many others, naturalization required fluency in the dominant group language. In some cases, new internal administrative boundaries were drawn to weaken the minority politically. For example, Slovakia, where the Hungarian minority is concentrated along the southern border with Hungary, was divided in 1996 into eight administrative regions such that Hungarians constituted a small minority in each region (Brusis 1997; Csergo 2007). Macedonia pursued a similar policy in 1996 by redrawing administrative boundaries that would divide and weaken the Albanian minority (Friedman 2009). These and other, similar practices of purposefully disadvantaging minorities in order to solidify titular group ownership were common in third path transitions in particular.

The two transitional paths also exhibit some differences in the patterns of minority mobilization and demands. Interestingly, minority demands in already well-established states have not centered on redefining the state's national identity along civic lines, presumably because titular group ownership was already deeply embedded in the institutional infrastructure of the state. Accepting state ownership by the dominant majority, minority demands have typically revolved around distinctive collective minority group rights, such as language, culture, or religious rights, and, in some instances, the carving of an ethnically exclusive public domain in which the state and the dominant majority are absent. Indeed, demands for a separate and autonomous public space partly emanate from minority resignation with state ownership by the dominant population. In the cases of Hungarian minority mobilization in Romania and Turk mobilization in Bulgaria, minority claims have been largely channeled peacefully through the democratic

process. In the cases of Turkey and Thailand, conversely, minority mobilization has undergone occasional episodes of violence. Violent rebels have demanded recognition of their distinct national identities as well as the formation of distinct social and cultural institutions that would both reflect their distinctiveness and benefit from some degree of autonomy from the central government.

Cases that followed the third transitional path – where "core nation" ownership was not as deeply entrenched – have exhibited greater variation in minority demands and mobilization strategies. Some, like the Hungarians in Slovakia, called for local self-government. Others, like the Albanians in Macedonia, demanded equal access to the central state through power-sharing guarantees, in effect challenging Macedonian ownership of the state, a demand unparalleled by minorities in second path transitions. Furthermore, in some cases involving transition from a republic in a communist supra-state to an independent state, central government capacity to enforce its preferred ethnic hierarchical order was not as high as in cases of already well-established states. As a result, some third path transitions were vulnerable to civil wars and high levels of violent contestation from internal minorities as well as from neighboring states with ethnonational kin ties to marginalized minorities. This was the situation in several countries of the former Yugoslavia and some former Soviet republics, where in some instances violence did not enable democratization at all.[5]

Regional environment

The impact of the regional environment and external pressures, particularly the influence of the European Union (EU), on minority accommodation has been the subject of much debate. Some accord explanatory primacy to variables in the regional and international milieu (Brusis 2003; Smith 2003; Kelley 2004; McMahon 2006); others see them as subordinate to domestic politics (Vermeersch 2003; Csergo 2007). A cross-national comparison suggests that external pressures are related to the trajectory of minority protection.

Cases where the minority has trans-border alliances with populations in neighboring countries combined with a history of troubled relations with the dominant group have frequently been more conducive to tense relations in the post-transition period. In cases like Latvia and Estonia, Russian settlers were seen as a fifth column and treated as agents of the previously foreign rulers. Likewise, a history of revolts against the Ottoman Empire and the Turkish state in its early years of formation, facilitated by alliances with Kurds in Iraq, have characterized the Kurdish minority's relations with Turkey. Thailand has recently intensified border closure with Malaysia, in addition to imposing martial law since 2006 in the southern provinces that are populated by Muslim Malays, because it suspects that the rebels are receiving cross-border aid from sympathizers in Malaysia. And Albania, when undergoing its own transition, is said to have contributed to the conflict in Macedonia, albeit without explicitly making irredentist claims, as self-seeking politicians sought to enhance their nationalist credentials in domestic politics (Koinova 2008).

In Europe, the impact of negative regional factors has frequently been counterbalanced by international conditions that favor minority accommodation. Prospects for integration into the European Union (EU) have been accompanied by increased protection for minorities irrespective of transitional path, and even in cases where relations have been historically tense. To some extent, it has been argued, the diffusion of international norms has been instrumental (Kymlicka 2007). The codification of minority rights in treaties and declarations such as the United Nations' Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (1992) and the Council of Europe's 1995 Framework Convention for the Protection of National Minorities has pressured states to modify their policies. New states in Europe, seeking to boost their image and enhance their reputation as part of the "new Europe," have been particularly sensitive to these pressures.

Furthermore, as it embarked on its enlargement project eastward in the aftermath of the collapse of the Communist Bloc, the EU conditioned admission on policies to accommodate minorities. Although conditionality seldom challenged state ownership by titular groups, it provided tangible rewards for prospective candidates if they took steps to protect the rights of minorities residing in their territories (Kelley 2004). Documents such as the European Charter for Regional or Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1995) institutionalized a minorities rights regime in the EU with which aspiring states had to comply. As a result, even minorities which suffered in the immediate aftermath of third path transitions have seen their situation improve, sometimes in more substantive ways than minorities in second path transitions outside Europe, such as the Muslim Malays in Thailand.

Thus, Central and Eastern European states that were on the path to EU accession modified their policies toward minorities. Policies of accommodation were not uniform across cases and, in some such cases, modification was pursued only minimally and in incremental stages. Since the admission process comprises several steps, there were times in which reluctant nationalist state elites tested the boundaries of European tolerance or modified only those policies that were explicitly linked to EU accession (Schulze 2010: 365). In the longer term, nevertheless, the general pattern that emerged was of increased minority protection, as the reward of EU accession was universally deemed valuable. Thus, Slovakia's exclusivist policies, which even included a proposal for population exchange with the Hungarian government in 1997 (Kelley 2004: 117), took a different direction only two years later when Slovak majority parties sought to include Hungarian representatives in the government to meet EU conditions. Slovakia was officially admitted into the EU in 2004. Similarly, following EU and NATO intervention in the ethnic conflict in Macedonia in 2001, Macedonia changed the preamble of its constitution and became the state of "the citizens of the Republic of Macedonia" instead of the "national state of the Macedonian people"; Albanian gained a national language status; and Albanian representation in the police force and other central state institutions increased. Shortly thereafter, initial steps in Macedonia's candidacy for EU membership were taken (Daskalovski 2006; Ilievski and Taleski

2009). And in Estonia, the exclusivist citizenship laws that disenfranchised over one-third of the population were amended in the late 1990s, following a prolonged period of resistance by majority nationalist parties, so that Estonia could stay on course for EU accession. According to one source, by 2008, the number of non-citizens was reduced to below 10 percent (Csergo 2009). Reforms directly connected to EU accession in the realms of language and minority eligibility to compete for office were also introduced, as well as the "Integration into Estonian Society 2000–2007" program. The revelation by recent research that the norms associated with minority rights have not been internalized by Estonian state elites and masses (Schulze 2010) serves only to stress the impact of EU intervention on practices of minority accommodation. According to Schulze (2010: 365), "only the reforms that were explicitly linked to EU membership were fully or at least partially implemented, and recommendations that appeared in the EU Commission's Regular Reports had the most direct impact on minority policies."

In sum, the emergence of ethnic democracies as an outcome of democratization has largely been facilitated by legacies of the pre-transition institutional framework. In cases of transition in already established states in Central and Eastern Europe, the situation of minorities typically improved with democratization; further away from Europe, there has been no indication of significant improvement. Transitions that included the disintegration of larger communist polities initially saw a deterioration in minority collective status as nationalist leaders of titular populations took steps to solidify dominant group ownership of the state. With incentives for minority accommodation provided by the European environment, however, even these states eventually agreed to take steps for the protection of minorities.

Case studies

This section provides brief accounts of three illustrative cases of ethnic democracies that emerged following the collapse of authoritarian regimes: Bulgaria, Macedonia, and Estonia. Bulgaria illustrates a case of transition in an already established state in which minority rights improved during transition. Estonia and Macedonia are cases of third path transitions where states emerged following the collapse of the Soviet and Yugoslav federations. In Estonia, the Russian minority situation initially deteriorated following transition, but improved at a later stage as Estonia sought EU accession. Macedonia exemplifies a case where minority accommodation went further as the state switched from being a Macedonian ethnic democracy to a republic of all its citizens and incorporated power-sharing mechanisms. Between them, these three cases offer sufficient variation and commonalities that help to illustrate the patterns identified in this chapter.

Bulgaria

Bulgaria illustrates a case of transition in an already established state where, on the one hand, titular group ownership of the state remained institutionalized but,

on the other hand, minority rights improved considerably following the demise of authoritarianism. European integration further contributed to changes toward accommodation.

According to a census conducted shortly after regime transition (1992), close to 85 percent of Bulgaria's population of approximately eight million people was ethnically Bulgarian (Vassilev 2001: 38). The Muslim Turk population, a remnant of the former Ottoman Empire in the region, constituted about 9.5 percent of the total population and was (and still is) the largest and most significant ethnic minority group in the country. A 2001 census verifies that the demographic balance has remained largely unchanged, although the proportion of the Bulgarian majority declined slightly to 84 percent (Rechel 2008: 332). Other, smaller minority groups that constitute more than 1 percent of the population include the Roma and Macedonians.

In the late 1950s and early 1960s, the Bulgarian communist government began to treat the Turkish minority with suspicion and curtail its collective rights. Turkish schools, cultural institutions, and newspapers were shut down (Petkova 2002: 42–46). The 1980s witnessed a coercive policy of forceful assimilation of the Muslim Turk ethnic minority. A 1984 regulation forced Turks to take on Bulgarian names instead of their original Turkish ones; a prohibition on the use of the Turkish language in public areas was introduced in 1986; the freedom to practice Islam was limited; and many Turks were pushed to resettle in Bulgarian-dominated regions. Activists who tried to organize a Turkish struggle against compulsory assimilation were repressed. Resistance and confrontation with the regime resulted in a mass exodus of about 300,000 Turks in 1989.

Following the resignation of the perennial dictator, Todor Zhikov, in the fall of 1989, the minority situation improved considerably. To be sure, the Bulgarian majority retained its ownership of the state. According to Rechel (2000: 337–344), citizenship and immigration laws privileged "Bulgarianness," defined in ethnic terms; public opinion surveys indicated both widespread perceptions that the state is the property of the dominant Bulgarian ethnic group and a sweeping rejection of collective minority rights. The 1991 Constitution defines Bulgaria in mono-ethnic terms and imposes constraints on minority political activism that challenges titular group domination: Article 11 of the Constitution bans the formation of political parties along ethnic, racial, and religious lines and Article 44, which deals with civil society associations, forbids organizations that act "contrary to the country's sovereignty and national integrity, or the unity of the nation" or "incite racial, national, ethnic or religious enmity." Furthermore, Article 3 elevates the Bulgarian language to the status of sole official language, while Article 36 declares that "the study and use of the Bulgarian language shall be a right and obligation of every Bulgarian citizen."

Within this institutional framework, however, minority protection and integration improved since the collapse of the communist dictatorship. By the end of 1990 about half of the Turks who left during the infamous exodus of the preceding year returned. The new government abolished the communist policy of compulsory assimilation of Turkish Muslims. Turks were no longer required to

assume Bulgarian names, the right to speak Turkish in public space was restored, and the publication of a Turkish newspaper was permitted (Vassilev 2001). Many of these freedoms were enshrined in the 1991 Constitution. For example, Article 13 of the Constitution proclaims the freedom of religion and the separation of religion and state, thus removing limitations on the practice of Islam. Article 36 of the Constitution proclaims that "citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language." And Article 54 declares the right of everyone "to develop his own culture in accordance with his ethnic self-identification, which shall be recognized and guaranteed by the law."

In many realms, the formal constitutional guarantees translated into changes in practice. Broadcasts in Turkish began on the Bulgarian National Radio in 1993 and on Bulgarian National Television in 2000. The first Turkish-language newspaper began publication toward the end of 1990 and, by the mid-2000s, eight Turkish newspapers were circulating in Bulgaria. Optional Turkish-language lessons were introduced in state-funded schools in regions with a large Turkish population. According to one source, by the year 2000, an estimated 40,000 children studied Turkish in Bulgaria (Petkova 2002: 52). Furthermore, despite the constitutional provision banning ethnic parties, political parties seeking to represent the Turkish minority began to mobilize. The Movement for Rights and Freedom (MRF), a Turkish-dominated political party, won 23 seats in the 400-seat national assembly in the 1990 elections. Following the 2001 and 2005 national elections, the MRF joined the government coalitions (Rechel 2008: 335). Human rights reports by external agencies have acknowledged the tremendous progress made in the first decade following the collapse of the communist regime (Petkova 2002: 50).

It is important to stress that the changes in question did not occur in a linear fashion or without tension and contestation. The transition period, in particular, was highly volatile (Vassilev 2001: 40–45). For example, Bulgarian nationalists formed the Committee for the Defence of National Interests, which organized statewide protests against minority accommodation, advanced the slogan "Bulgaria for the Bulgarians," and accused the Turkish minority of espousing irredentism. When in power, organized Bulgarian nationalists took steps to curtail minority rights. For example, the Bulgarian Socialist Party (BSP)-led government banned Turkish-language classes in 1991, a policy that prompted a school boycott by thousands of Turkish schoolchildren. A newly elected administration overturned the ban in a bid to end the students' strike.

Furthermore, undoubtedly influenced by events in the Balkan neighborhood, the July 1991 Constitution stressed the national and territorial unity of the country, reflecting suspicion and fears of potential separatism along ethnic lines (Petkova 2002: 49–50). A Macedonian political party, the United Macedonian Organization-Ilinden (UMO-Ilinden), which demanded formal recognition of the Macedonians as a national minority and some members of which advocated for the transfer of the Pirin region to Macedonia, was banned on the grounds that it threatened the unity of the state (Bokulić *et al.* 2008; Petkova 2002: 51).

Moreover, supported by public opinion surveys and nationalist political elites, the state did not fully recognize the existence of national minorities in the first post-communist decade, a policy that changed only after European pressure (Rechel 2008: 337–345).

The EU and the Council of Europe contributed to overcoming some of the internal obstacles to improving the protection of minorities in Bulgaria. Bulgaria signed the Framework Convention for the Protection of National Minorities in 1997 (at the same time the government established the National Council on Ethnic and Demographic Questions to advise on minority rights (Bokulić *et al.* 2008)) and ratified it in 1999, despite vociferous protests from Bulgarian hard-line nationalists. Since Article 5 of the Constitution stipulates that "international treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be part of the legislation of the State," ratification had substantive implications (Petkova 2002: 50). Thus, following ratification, post-communist Bulgaria finally officially recognized the existence of national minorities with collective rights under its jurisdiction (Vassilev 2001: 38) and became an official candidate for EU accession. Furthermore, under EU directives, Bulgaria introduced anti-discrimination legislation in 2003 (Rechel 2008: 335–339). Adhering to these directives, Bulgaria was admitted to the EU in 2007.

In short, post-communist Bulgaria is an ethnic democracy that formally privileges the Bulgarian ethnic national identity and community. At the same time, the situation of the largest minority group has improved significantly during democratization and in its aftermath. The compulsory assimilation ended and collective rights were introduced in the realms of culture, language, education, religion, and media. At the same time, Turks are increasingly included in the political process through the participation of the MRF party in government.

Estonia

In contrast to Bulgaria, Estonia illustrates a case of a new state that emerged following the disintegration of the Soviet Union. State elites took steps to consolidate ethnic Estonian ownership of the new state, marginalizing the Russian minority and denying it citizenship. The condition of the Russian minority improved only after intense pressure by the EU.

Upon independence, ethnic Estonians constituted about 61.5 percent of the total population in Estonia, a sharp decline from 94 percent in 1945 (Kelley 2004: 94), while the Russian minority comprised approximately 30 percent of the population (UNDP 1995). The transformation in the demographic balance during the communist era was largely a product of social engineering by the Soviet government, which adopted a policy that encouraged Russians to settle in the Baltic region and deported many Estonians to Siberia (Kelley 2004: 94; Schulze 2010: 363). At the same time, the Estonian and the Russian-speaking populations were relatively segregated. Russians rarely learned the local language, as the status of their own language was elevated by the regime.

Furthermore, according to Kelley (2004: 94), only one-third at most of the Russian-speaking population supported Estonia's secession from the Soviet Union. In addition, well into the 2000s, many Russian speakers in the country were reported to have held nostalgic attitudes toward the Soviet era (Vihalemm and Masso 2007: 74–75). Thus, when independence was gained in 1991, Estonian society was deeply divided along overlapping ethno-linguistic and political lines.

Having experienced a short-lived episode of independence in the interwar period, the Estonian government sought to exert majority ownership of the state by building continuity from the brief period of independence and taking steps to advance, or "revive," Estonian ethnonational identity. As a result, independent Estonia introduced citizenship laws that granted automatic citizenship only to those who held citizenship prior to Soviet control (1940) and their descendants. Naturalization was permissible only after three years of permanent residency, stringent tests in the Estonian language with the expectation of mastering the language, and a loyalty oath (Schulze 2010: 363). Non-citizen residents were not permitted to vote in parliamentary elections, let alone belong to political parties or run for office (although they were allowed to vote in local elections). As a result, all the settlers of Russian origin were excluded from membership in the political community and hundreds of thousands remained formally stateless.

Furthermore, language laws established Estonian as the sole official language, and set stringent language requirements for public servants, candidates in national and local elections, and Members of Parliament, as well as NGOs and employers and employees in the private sector (Kelley 2004: 100; Schulze 2010: 363). As a result the boundaries of belonging to the nation were narrow and permitted access to Russian speakers only if they fully acculturated. It is possible that following five decades of repressive Soviet rule, and exacerbated by Russian attempts to intervene in Estonia's domestic affairs (Smith 2002), these policies were driven by genuine existential concerns (Vihalemm and Masso 2007: 74) rather than xenophobia. The most nationalist and anti-minority Estonian parties did not achieve significant electoral success. Mainstream parties, which championed strict citizenship and language laws and opposed accommodation of non-Estonians, did not "use racist statements against non-Estonians. Realizing the need to solve the issues regardless of the past, the rest of the parties reflected the general Estonian population's apprehension, which came from decades of occupation" (Kelley 2004: 95). That said, at independence, only about 14 percent of the Russian speakers also spoke Estonian (Schulze 2010: 364), and the barriers for participation in political, economic, and social life were set very high. It cannot be denied that the status of the Russian-speaking minority in Estonia, in contrast to the situation of the Turkish minority in Bulgaria, declined significantly in the first decade following transition as the country took a sharp turn from the "Russification" policy of the Soviets to "Estonification" in the independent state.

Intriguingly, the Russian minority did not organize *en masse* against its marginalization (Vihalemm and Masso 2007), although a Russian party did manage

to win six seats in the 101-seat Parliament in the 1995 national elections (Kelley 2004: 97). Explaining why the minority was quiescent is beyond the scope of this chapter – some have attributed it to a sophisticated system of control employed by the Estonian government that generated minority fragmentation, dependence on the government, and cooptation (Pettai and Hallik 2002). The more pertinent point is that improvements in the policies toward the Russian minority, introduced at the turn of the century, cannot be attributed to minority mobilization, organized demands, and domestic political bargaining. Rather, exogenous factors were at play.

The situation of the Russian minority improved only as a result of the Estonian desire to integrate into Europe. Much of the impact of the willingness to accede to EU conditions has been attributed to the self-perception of Estonians (and other Baltic states) as integral members of Western civilization and part of the "family of democratic European nations" (Smith 2002: 9). Indeed, Estonia quickly adopted other aspects of Western liberalism, including economic privatization and liberalized media (Vihalemm and Masso 2007). The Freedom House gives Estonia the highest possible score on political rights and civil liberties.

Yet, when it came to minority rights, the path was more difficult. According to Schulze (2010: 365), the majority of Estonian elites and masses still held a negative view of minority protection and "only the reforms that were explicitly linked to EU membership were fully or at least partially implemented." As a result of conditionality by the EU and other international organizations, some of the most exclusive barriers were removed. For example, amendments to the language laws, passed in 1997 and 2000, permitted a considerable number of classes in public schools to be taught in languages other than Estonian (Schulze 2010: 363). Likewise, in November 2001, Estonia finally removed the language barrier for candidates running for office in national and local elections when it became clear that NATO admission was at risk. And under pressure from the EU and the Organization on Security and Cooperation in Europe (OSCE), the Estonian government amended the language laws that required high levels of Estonian language proficiency from NGOs and private sector employees, employers, and entrepreneurs (Smith 2002; Kelley 2004: 100–103). When presenting the amendment to Parliament, the Estonian foreign minister told the legislature that the move was necessary for accession to the EU (Kelley 2004: 102).

When it came to citizenship laws, according to Smith (2002: 13), the Estonian government argued that the Russian population had a right to permanent residency but not citizenship because they were settled by an illegally occupying power and held the citizenship of the former occupier. Indeed, Russia granted citizenship to former Soviet citizens residing in former Soviet republics. Framing the issue in this way, the Estonian government resorted to legal frameworks accepted, and frequently employed, by Western states in different contexts. Nevertheless, reforms were introduced as a result of EU conditionality and consultation with EU bodies, and included simplifying the naturalization process for stateless children, and making the language exams required for citizenship easier so as to enable a larger number of stateless people to obtain citizenship (Kelley

2004: 103–109; Schultz 2010: 365). Finally, the state-subsidized "Integration into Estonian Society 2000–2007" program was introduced to facilitate the ability of Russian speakers to meet the cultural and language requirements introduced by Estonia.

In sum, the situation of the Russian minority, which deteriorated in the immediate aftermath of regime transition, improved only as a result of pressure by European institutions. To be sure, European organizations remained critical of many Estonian practices and policies (Kelley 2004; Schulze 2010). Yet through dialogue and negotiation with Estonian governments, the access of the Russian-speaking minority to politics and social and economic activity improved sufficiently for Estonia to be admitted to the EU in 2004.

Macedonia

Macedonia also exemplifies a case of a new state, this time one that emerged from the disintegration of the Yugoslav federation. Just as in other cases, legacies from the pre-transition era influenced the patterns of majority–minority relations during regime change as well as the administrative and social boundaries of the new state: Macedonia was one of the six constituent republics within the federation, and it was defined ethnoculturally. Upon independence the Macedonian elites took steps to assert ethnic majority ownership of the state. Unlike the Russians in Estonia, however, the Albanian minority, constituting approximately a quarter of the total population, objected and mobilized against Macedonian domination. Yet again, EU and NATO intervention was crucial, as these external actors provided incentives for the Macedonian majority to accommodate the minority. In this case, an agreement on an expanded degree of power-sharing was reached and the boundaries of inclusion in the national identity embodied by the state were redefined.

The majority–minority demographic balance in Macedonia during transition was not too distinct from that of Estonia. The Macedonian majority constituted close to two-thirds of the population and the Albanian minority 25 percent (Ortakovski 2001: 26). The ethnonational composition of the new state and the boundaries of inclusion were largely inherited from the pre-transition period. Within the Yugoslav federation, Macedonia was recognized as an ethnoculturally defined republic, the national identity of the Macedonians was formalized and received affirmation, and the Macedonian language was codified and held a special status (Engström 2002: 5–6). Within this institutional framework, the 1974 Constitution also recognized the existence of minority nationalities in Macedonia.

During transition, Macedonian state elites formalized ethnic Macedonian ownership of the state. Most conspicuously, the preamble of the 1991 constitution defined Macedonia as "the national state of the Macedonian people." Macedonian was conferred as the official language of the republic. In other realms, however, Macedonia stood out favorably in comparison to Estonia and other states that followed the third transitional path. Macedonia extended citizenship

and civil and political rights to its non-Macedonian residents as individuals. Furthermore, extending aspects of the 1974 Constitution, the 1991 Constitution formally recognized minority nationalities, including Albanians, Turks, Roma, Serbs, and Vlach. The Constitution further promised complete equality of all citizens and "lasting co-existence of the Macedonian people with the nationalities that live in the Republic of Macedonia" (Ortakovski 2001: 27); reaffirmed the state's commitment to protect minority rights in the realms of culture, education, religion, and language; and promised schools where minorities could study in the language of their nationality along with the Macedonian language. Formal bilingualism was introduced at the local level in regions where formally recognized minority nationalities constituted the bulk of the population. Some accommodation on language issues was also introduced at the state level, for example, in judicial proceedings, personal identity cards, state-funded education in the minorities' languages, and public television broadcasts (Ortakovski 2001: 28–38). These policies were well received by the EU whose special commission to the country reported in 1992 that the Macedonian state met the necessary standards of minority protection necessary for recognition by the EU (Daskalovski 2006; Ilievski and Taleski 2009: 356).

Just as in Estonia, the general attitude of the largest minority group toward Macedonia's independence was suspicious. The Albanians boycotted the referendum on independence and its elites called for the international community to reject Macedonia's declaration of independence. Holding a separate referendum, an overwhelming majority of Albanians voted for territorial autonomy (Engström 2002: 13).

In contrast to Estonia, but like Bulgaria, the Albanian minority organized and formed political parties from very early on to advance their objectives. Albanian political parties won seats and even participated in coalition governments throughout the 1990s. Most of the demands of the Albanian parties, like the Party for Democratic Prosperity (PDP), were to expand collective, rather than individual, rights. Albanian political elites demanded a transformation from an ethnic democracy to a consociational democracy that would bring the status of the Albanian nationality on par with that of Macedonia. Their demands included: (1) constitutional changes such that the state would be redefined as binational instead of as belonging to the Macedonian nationality; (2) proportional representation of Albanians at all levels of government and administration, including the security sector; (3) mutual veto on significant public policy issues; (4) recognition of Albanian as a second official language; and (5) greater autonomy in education and local administration (including state-funded Albanian higher education institutions). Many Albanian politicians demanded territorial autonomy.

The demands made by Albanian politicians were widely perceived among Macedonians as a threat to Macedonian national identity and territorial integrity (Engström 2002: 14–16; Friedman 2009). Thus, these claims were rejected outright by the Macedonian authorities, which occasionally resorted to repressive means. For example, a private Albanian university, established in Tetovo in 1994, was declared illegal and its administrators arrested (the university was

later reopened but remained unrecognized by the state authorities). Albanian leaders convicted of subversion and incitement to national and racial hatred were sentenced to long prison terms (which were later shortened), and violent confrontations between police forces and Albanian protesters occasionally broke out (Ortakovski 2001: 34–37). In addition, local administrative boundaries were redrawn in 1996, a move interpreted by many as an attempt to weaken the Albanians in certain parts of western Macedonia (Friedman 2009: 215).

The regional environment undoubtedly played a role in fomenting Macedonian–Albanian tensions. Politicians in neighboring Albania gave their support to Albanian demands in Macedonia in order to enhance their nationalist credentials at home (Koinova 2008). At the same time, Macedonian anxieties were exacerbated by Bulgarian and Greek claims that the people of Macedonia are historically members of their own nations, thus questioning the authenticity of a Macedonian nationality (Engström 2002). Indeed, Greece's objections to Macedonia's constitutional name, the Republic of Macedonia, forced the new state to join the UN in 1994 under a provisional name – the Former Yugoslav Republic of Macedonia – and would later hamper attempts to integrate Macedonia into the EU and NATO. The dispute with Greece accentuated the Macedonian problem of what Linz and Stepan (1996) refer to as the problem of "stateness" whereby there is insecurity about the territorial boundaries and integrity of the new state. Furthermore, the flight of over 350,000 Albanians from Kosovo into Albania in 1999 was undoubtedly perceived as a demographic threat by a Macedonian majority that was already growing apprehensive about minority demands. At the same time, the Albanian minority was emboldened by the perceived support of international actors, including NATO and the EU, for Albanian minority rights in the region (Ortakovski 2001: 35–39).

In February 2001, an armed conflict broke out between Albanian insurgent groups, the National Liberation Army (NLA), and Macedonian security forces. Machine-gun battles spread throughout the northwestern region of the country for several months, and various plans, including for territorial and population exchanges, were proposed (Friedman 2009: 213). In August 2001, the Ohrid Framework Agreement (OFA) was signed to resolve the conflict. The agreement addressed many of the demands made by the Albanians, leading to the enactment of a new constitution. The new constitution redefined the state as belonging to "the citizens of the Republic of Macedonia"; minority consent ("Badinter majority") became a requirement for certain types of legislation pertaining to identity; Albanian received recognition as a second official language; Albanian equitable representation in public administration, including the security forces and the judiciary was agreed upon; and state-funded Albanian-language universities were promised. Furthermore, the effects of the redrawing of local administrative boundaries in 1996 were reversed as the boundaries were changed again through the 2004 Law on the Territorial Organization of Local Self-Government (Friedman 2009: 216–217). At the same time the agreement promised to keep Macedonia as a unitary state without any ethnoterritorial division.

The acceptance of the OFA by the Macedonian majority and its implementation was a direct result of external intervention by the EU in collaboration with NATO, the OSCE, and the USA. According to Ilievski and Taleski (2009: 355), "the negotiation and implementation of the OFA was designated by EU leaders as a critical precondition for Macedonia's EU membership." NATO, too, provided the membership incentive to induce the Macedonian government and people (although, owing to objections from Greece, Macedonia has yet to be admitted to NATO). Since, according to public opinion polls, over 90 percent of Macedonians supported joining the EU, there was broad support for OFA and practically all of the Macedonian political parties accepted it (Ilievski and Taleski 2009: 357). Thus, in the aftermath of the 2001 agreement and the enactment of a new constitution, language laws were changed, new municipal boundaries revised – although with contestation from ethnic Macedonian nationalists – and affirmative action programs introduced. On occasions where public support for implementation waned, relevant international actors stepped in to facilitate progress. For example, three days before the 2004 referendum on the unpopular Law on Territorial Organization, and fearing a negative outcome, the USA announced that it would recognize Macedonia under its constitutional name, the Republic of Macedonia. Likewise, the EU contributed large sums of financial aid for the reconstruction of local infrastructure in Albanian-populated areas and other programs that the state would have had difficulty funding because of political sensitivity (Ilievski and Taleski 2009: 359–362). In December 2005, Macedonia officially gained EU candidate country status and has been monitored in progress reports ever since.

Conclusion

The emergence of ethnic democracies, as seen in this chapter, has been a common outcome of democratization processes in Central and Eastern Europe. In many cases, what determines this outcome, as well as minority status within the ethnic democracy, is the interplay between legacies from the pre-transition period (there is no reason to expect a totally clean slate in majority–state–minority relations because of democratization) and the regional environment, including carrots and sticks provided by regional organizations with clout.

As for longer term prospects, the Macedonian case teaches us that further transition from ethnic democracy to greater accommodation is possible, but is highly conditional. Ultimately, minority accommodation of the Macedonian type is the exception rather than the rule. Moreover, removal of the incentives for minority accommodation provided by external actors can quickly allow older patterns of majority–state–minority relations to re-emerge. One case in point is Slovakia, where restrictive language laws were introduced in 2009 in the aftermath of EU accession, when European conditionality no longer had force. In most instances, international actors, who play a pivotal role in advancing minority rights, are satisfied when more minimal conditions of minority protection are met.

In the final analysis, ethnic democracy should not be assumed to constitute merely a transitional phase on the road to more encompassing liberalization and substantive accommodation of minorities. It can endure. Therefore, while minority condition is typically better in ethnic democracies than in the pre-transition state (after all, it does deliver important individual freedoms and protection for individuals, including civil and political rights), we should not expect transitions that yield ethnic democracies to generate equality between communities or substantive advancement of collective rights.

Notes

1 Linz (1975) and Linz and Stepan (1996) used the term in relation to states that denied citizenship to minorities on the basis of ethnicity. Viewing such states as non-democratic, Smooha modified the concept to refer to democracies that extend "citizenship to all but institutionalises superior status for the ethno-national majority" (2002: 499). I narrow the term to include only those states that are formally owned by a dominant group, where the identity of the state is cast as an expression of the national identity of a "core nation," but otherwise exhibits the characteristics of electoral democratic regimes as identified by the Freedom House (see www.freedomhouse.org).

2 Freedom House's threshold for being considered an "electoral democracy," and by extension "ethnic democracy," is contentious of course. Smooha (2009: 57), for example, includes Malaysia, defining it as a "contemporary stable ethnic democracy." Shoup (Chapter 8, this volume) also recognizes Malaysia as a relevant case.

3 Contrary to widespread misconception, Israel is not an exception to this rule because the state's name is intrinsically linked to Jewish national identity.

4 In Thailand, name change occurred in 1939, before democratization, following the transition from absolute monarchy, when the military government under Phibun Songkram sought to consolidate its authority and enhance its legitimacy by appealing to the collective sentiments of the Thai population.

5 One conspicuous exception is the case of the Czech Republic, which is elaborated upon by Toubeau in Chapter 4.

3 Ethnic party bans in Africa

Can party regulation create national parties?

Matthijs Bogaards, Sebastian Elischer, and Anika Becher

Following the third wave of democratization, many scholars feared that the spread of democracy to ethnically divided societies would cause political instability and violent ethnic conflict (See, e.g., Collier 2009; Reynolds 2011). Rosenblum (2007: 29) observes how 'the working assumption in democratic theory is that parties based on religious, ethnic, racial, or cultural identity are uniquely dangerous'. As mentioned by Bertrand and Haklai in the introduction to this volume, a range of institutional mechanisms has been proposed to address existing or potential ethnic conflict, with much attention focusing on the electoral system.

Until recently, party regulation in general and party bans in particular received little attention in the literature on democratization and ethnic diversity. This is surprising, especially in light of the tendency towards the constitutionalizing of party democracy (Van Biezen 2012). In Africa, ethnic party bans are the norm. By 2009, only six countries did not have a ban on particularistic parties and the trend is towards more ethnic party bans (Moroff 2010a).[1] Africa is by far the most active continent when it comes to the political engineering of political parties, at least on paper. Whereas in Western democracies prohibition of parties is a measure directed at extremist and undemocratic parties (Fox and Nolte 1995), in Africa there is a wide range of grounds on which parties are banned. The most important are brotherhood, clan, community, ethnicity, faith/religion, gender, language, region, race, sect, social condition/social or economic status; and tribe. At least four 'targets' of party bans can be identified: (1) party program; (2) party symbols; (3) party organization; (4) party membership. Party bans can be directed at any one of these aspects separately or in combination.

To put ethnic party bans in perspective and to differentiate among them, it is helpful to think of two functions that parties can perform in a heterogeneous society. Broadly speaking, political parties can either articulate or aggregate ethnicity (Bogaards 2004b, 2007b, 2008). A political party that presents itself as the champion of one particular community is a good example of articulation. A political party that campaigns on a broad platform intended to appeal to voters from different ethnic backgrounds is a good example of aggregation. The term 'blocking' refers to situations where the constitution, electoral law, or law on political parties prohibit ethnic parties. Ethnic blocking is what we call here a

negative ethnic party ban. In contrast, a positive ethnic party ban provides incentives for national parties (aggregation). If aggregation is indeed a desirable property of the party system in a heterogeneous society – because it is associated with moderation and integration (Horowitz 2000; Reilly 2006) – then it is crucial to know how aggregation can be promoted through the electoral system and party regulation.

Two core questions are addressed in this chapter. Do ethnic party bans help create national parties? Are positive party bans better suited for creating national parties than negative party bans? This study is novel in at least three ways. First, with the exception of Elischer (2008, 2013), no analysis of party nationalization in Africa has taken place. While party nationalization scores have been calculated for many other regions around the world, no such data are available for Africa. We therefore have a unique, albeit still highly incomplete dataset. Second, the literature on party regulation has so far neglected Africa. Drawing on a collaborative research project on Ethnic Party Bans in Africa, we are in the fortunate position to have access to data on ethnic party bans in the whole of Sub-Saharan Africa.[2] Third, party regulation has not so far been examined as a potential influence on party nationalization scores. Although there is an increasingly sophisticated literature on the determinants of party nationalization, the effect of spatial distribution requirements has not been taken into account.

‘Positive’ ethnic party bans and party nationalization

In this section, we distinguish between positive and negative party bans. Most party bans specify only what is not desired and serve to block political organization on a particular basis. We call these ‘negative’ party bans. Some party regulations go further and include provisions that may be understood as incentives for aggregation. These are cases of ‘positive’ ethnic party bans. They typically involve spatial distribution requirements for party registration, whereby parties are compelled to have organizational presence across the country. We examine the effect of party regulation on party nationalization with the help of a proxy, the Party Nationalization Score (PNS). We explain the calculation of the PNS below. Although there are different possibilities to calculate this index, the idea of a nationalized electorate refers to ‘the universality of political trends’ (Schattschneider 1960: 93) across the different regions or districts of a country. It examines whether there is convergence in the level of party support across divisions below the level of the nation-state (Aleman and Kellam 2008).

The literature on party regulation shows increasing interest in what are sometimes called ‘formation rules’ (Birnir 2008), meaning formation or registration regulations that require a party to collect signatures from across the country, to have party members in all its regions, offices in all its provinces or even districts, and a party leadership that reflects national diversity. This is what we call a ‘positive’ ethnic party ban. Thus, whereas negative party bans simply aim to remove ethnicity from politics, positive party bans provide incentives for parties to organize across communal boundaries. In Horowitz’s (1991) framework,

negative ethnic party bans correspond to the illusion of a non-ethnic society, whereas positive ethnic party bans provide an incentive for uniting candidates from different ethnic groups under the roof of the same party. Positive bans are supposed to constitute a centripetal force.

Spatial distribution requirements for party registration may be imposed without a general ban on ethnic or subnational parties. Reilly (2008: 11) observes how 'some of the world's most important transitional states' have introduced regulations that require parties to demonstrate a cross-regional or nationwide composition as a precondition for competing in elections. Spatial distribution requirements for party registration have been common in Latin America and have recently emerged in Asia and Eastern Europe. In Asia, Indonesia, the Philippines, and Thailand have imposed stringent requirements for party registration. According to Hicken (2008: 87),

> the diversity of Indonesia's population, the nature of Indonesia's geography and Indonesia's failed experiment with democracy in the 1950s all combined to instill in Indonesia's post-Suharto political reformers a keen desire to promote national parties over local, regional or separatist parties.

The original rules from 1999 were tightened further in 2004. Parties are now required to establish branches in two-thirds of the provinces and in two-thirds of the municipalities within the provinces. In addition, each municipal party branch must have at least 1,000 members. For the 2004 elections, no less than 24 parties were able to meet these requirements (Hicken 2008: 87). In Thailand, new parties must establish a branch structure in each of four designated regions, and must show that they have at least 5,000 members drawn from each region within six months of being registered (Reilly 2006). For the 2004 election, these rules were tightened further (Hicken 2008). Although the distribution requirements for party registration in these countries effectively deter parties whose electoral support is confined to particular localities (blocking), there is no formal ban on subnational parties and the emphasis is on positive incentives for aggregation to create a national party system with a low level of fragmentation.

Ecuador, Guatemala, Mexico, and Peru at one time or another had restrictive spatial registration requirements (Birnir 2008). Different from other regions of the world, these provisions in Latin American countries do not appear to be informed by a concern with ethnic conflict management or even a preoccupation with the politicization of ethnicity. Rather, as in Thailand, spatial distribution requirements primarily aim at limiting fragmentation of the party system. The effect may nonetheless be that segments of the population are excluded from direct political representation, as Birnir (2008) notes, especially in the case of geographically concentrated minorities. In our terminology, while the intention may be aggregation, the outcome may be blocking.

In Eastern Europe, several post-communist regimes require that signatures for a party's registration be collected from the entire country, following a specific spatial distribution requirement. In some countries, established parties need to

re-register for every election, making the effort of collecting signatures even more strenuous. However, these conditions normally apply only to large parties or national lists. In Moldova, 'the spatial component of the registration rules prevents the electoral participation of the Roma and other ethnic minorities through ethnic parties' (Birnir 2008: 173). Russia adopted changes to the law on political parties in 2005. To contest regional and national elections, a party had to maintain regional offices and at least 500 members in no less than half of Russia´s 89 regions (Ross 2005).

The phenomenon of 'positive' ethnic party bans, therefore, has become widespread. It has been introduced in several regions where relatively new democracies have emerged, including Latin America, Eastern Europe, Asia, and Africa. Although not always the case, these spatial distribution requirements have often been used as tools to prevent ethnic conflict.

The literature on party nationalization has also indirectly captured the phenomenon. The term 'nationalization' encapsulates two different ideas. 'Static nationalization' is defined as the homogenization of the partisan electoral support of a party or a party system across subnational units in a given election or various elections over time. A party is therefore regarded as nationalized when it displays few differences in partisan support across the various subnational units that make up the country.[3] 'Dynamic nationalization,' on the other hand, is defined as the homogenization of changes in the partisan electoral support across national subunits. In this case a party is regarded as nationalized when the swings in partisan support are similar across subnational units between two or more elections (Aleman and Marisa 2008; Morgenstern *et al.* 2009). While our interest is exclusively in the effect of ethnic party bans on *party* nationalization, some scholars have focused on party *system* nationalization (see, e.g., Jones and Mainwaring 2003). Party system nationalization is a summary measure of the level of nationalization of the individual parties, weighted by vote share.

Until recently, the study of party nationalization was confined to industrialized democracies and in particular to the United States of America (Rose and Urwin 1974; Claggett *et al*. 1984; Kawato 1987; Caramani 2004). More recently, the study of party nationalization has started to include non-Western areas. Ishiyama (2002) has analyzed the degree of party and party system nationalization for Russia and several Central and Eastern European countries (see also Bochsler 2010). Jones and Mainwaring (2003) calculated Party Nationalization Scores (PNS) for almost all Latin American countries. Chibber and Kollman (2004) included India in their analysis of a small set of mainly established democracies. Croissant and Schächter (2008) and Hicken (2009) have extended the analysis of party nationalization to Southeast Asia. The result has been a wealth of information on the degree of party and party system nationalization and the often striking differences between countries, regions, and even parties within the same country.

A variety of factors have been identified to explain differences in the level of party and party system nationalization. One central theme in the literature has been the relationship between nationalization and fiscal centralization (Chibber

and Kollman 2004; Harbers 2010). This strand of research is driven by the idea that decentralized countries are prone to the formation of regional parties.

A second dominant theme has been the impact of ethnicity on political parties. Here the hypothesis is that political parties in non-industrialized democracies are first and foremost particularistic parties representing the interests of a certain region or ethnic and religious groups (Horowitz 2000; Randall 2001). In a seminal study on party nationalization, Caramani (2004) traced the increasing nationalization of European parties to the decreasing political significance of territorially based cleavages. Caramani argues that over time, territorially based cleavages were replaced by socio-economic ones, a process that came to an end before the outbreak of the Second World War.

Another important factor in explaining the degree of party and party system nationalization is the electoral system. Especially interesting for our purposes are those countries that have adopted electoral distribution requirements. In Nigeria, Kenya, and more recently Indonesia, the successful presidential candidate not only has to win an overall majority or plurality respectively; he or she also has to draw a minimum percentage of votes from a minimum number of regions. The Comoros have experimented with extending distribution requirements to parliamentary elections (Bogaards 2007b). Of the four countries with electoral distribution requirements, three also have spatial distribution requirements for party registration.[4] This suggests that these measures are intended to reinforce each other, a good example of what Reynolds (2005) calls 'institutional alignment'.

The literature on party nationalization, therefore, offers alternative hypotheses on the effects of ethnic party bans and possible reasons for differences between countries. The next section addresses the introduction of 'positive' ethnic party bans in Africa, while the following section focuses on party nationalization in the region.

Positive ethnic party bans in Africa

Since the reintroduction of multiparty politics in the 1990s, African countries have regulated political parties in numerous ways. Most countries aimed at the creation of aggregative, national parties that are not connected to ethnic, religious, or other identity-based groups. Forty countries simply ban all types of identity-based parties in their party or election law and/or their constitution (blocking). Thirty-three of them explicitly prohibit regional parties. As Table 3.1 shows, a large number of countries in Sub-Saharan Africa, 23 in total, also include a spatial distribution requirement in their party legislation, which compels parties to prove their national character before they even get registered (aggregation). All African countries that have a positive ethnic party ban also have a negative ethnic party ban.

Positive ethnic party bans aim to create national parties by making a party's registration dependent on evidence of being a national party in terms of (founding) members, leaders, and branches. As may be seen in Table 3.1, positive ethnic party bans normally address only one of four possible targets (signatures,

Table 3.1 Positive ethnic party bans in Sub-Saharan Africa

Country	*Founding members/ signatures*	*Party members*	*Offices*	*Leadership*
Angola		X		
Benin	X			
Burundi	X			X
Cape Verde		X		
Chad	1991–1994			
Congo-Brazzaville	1990–2006	2006–	2006–	
DRC	1999–			
Djibouti	X			
Equatorial Guinea	X			
Ethiopia	X			
Gabon		1996–		
Ghana	X		X	X
Guinea-Bissau	X			
Kenya	2008–	2008–		2008–
Liberia		X		
Mozambique		X		
Niger			1999–	
Nigeria			1996–2002	1979–
Rwanda		X		
Sierra Leone			X	X
Tanzania		X		X
Togo	X			
Uganda		X		
23	10	10	4	6

Note
If no other information is specified for the time of adoption, we mean since the introduction of multiparty politics.

members, offices, and leadership). No country has introduced party regulations that cover all four aspects, although Ghana and Kenya come close. This indicates that positive ethnic party bans in Africa are less comprehensive than they could be. Positive ethnic party bans differ in degree as well as in scope.

For example, while most African countries require a party's founding members to come from across the country, rules as to the number of members and the number of regions differ greatly. Ethiopia distinguishes parties with a 'country-wide personality' from regional parties. The former need at least 1,500 founding members from at least five regions with a maximum of 40 percent from one region, whereas the latter need at least 750 founding members with at least 40 percent from one region. Only the former type is allowed to participate in national politics while regional parties are active in all of Ethiopia's nine regions. In contrast, the new party law introduced in 1999 following the civil war in the Democratic Republic of Congo obliged parties to have 150 founding members, with a minimum of 10 and a maximum of 15 founding members from each province.

Ten countries require parties to have a standardized number of party members from different regions. Tanzania, for example, requires parties to have 200

members in 10 regions, including two regions in Zanzibar (Pemba and Unguja). Parties in Mozambique need 100 members in each of its ten provinces. In Uganda, parties need signatures from 50 members from at least two-thirds of the districts in each of the country's four regions. Four countries require parties to have permanent offices (Congo-Brazzaville, Niger, and Sierra Leone) and branches (Ghana) nationwide. Finally, six countries extend spatial distribution requirements to party leaders. Ghana, Kenya, and Sierra Leone require party leaders to come from different regions, while Burundi and Sierra Leone insist that there be no dominance of any particular ethnic group in the party leadership. Nigeria's constitution requires that the composition of party leadership 'reflect the federal character of Nigeria,' while Tanzania requires parties to have party leaders from the mainland and from Zanzibar.

The enforcement of these regulations requires institutions with enough resources, capacities, and willingness to do so. Case studies in Kenya, Tanzania, and Uganda, where party members from different regions are required, show that the responsible authorities found it hard to verify member signatures (Moroff 2010b). This did not prevent the registrar of political parties in Tanzania from denying registration to 50 parties between 1992 and 2005 because they failed to collect the necessary member signatures. The Electoral Commission in Uganda found fraudulent signatures for three parties between 2006 and 2008. When Kenya introduced a new party law in 2008, more than 100 parties failed to fulfill the requirements. In other countries, such as Sierra Leone, the Electoral Commission complained that they even lacked vehicles and fuel to travel to different regions and check on local party offices.[5] This could be one reason why no parties have been denied registration in Sierra Leone. Enforcement can be made in retrospect: in 2007, the Angolan Supreme Court deregistered 19 parties when it checked membership lists and discovered fake names. Parties in Angola need to have signatures from at least 7,500 members, including 150 founding members from each of the 18 provinces. In order to register, they must provide a photocopy of identification documents, passports, or voter registration cards of the 7,500 endorsers and, from relevant local authorities, a certificate that the party member resides in a particular province (Moroff 2010a).[6]

Differences in scope, degree, and enforcement of positive bans should also be considered. The case of Nigeria provides a good illustration (See Bogaards 2010). Ever since the adoption of the Constitution of its Second Republic in 1979, Nigeria has insisted that the party leadership reflect the country's diverse make-up. In 1996, however, parties were denied registration for the first time owing to their failure to comply with spatial distribution requirements. In preparation for national multiparty elections, the country's dictator, General Sani Abacha, invited parties to register. They faced stringent requirements. They needed at least 40,000 members in all 31 states and a minimum of 14,000 in the capital of Abuja. In addition, parties needed to establish offices in all states and the capital as well as in the 690 local government districts and most of the country's 7,000 electoral wards. Eighteen parties tried to register and all but five failed to satisfy the requirements. It is not clear how these five parties managed

to recruit more than a million card-carrying members in a couple of months. The draconian requirements and lack of transparency in the verification process cast doubt on the character of this particular case of party regulation and highlights the potential abuse of positive ethnic party bans.

Furthermore, the five parties legalized in 1996 were dissolved in 1998 under Abacha's successor, General Abdusalam Abubakar. Between 1998 and 2002, in two waves, another 38 parties were denied registration for failing to demonstrate national presence. However, in the run-up to the December 2002 elections, several political formations successfully appealed their denial of registration by the Independent Nigerian Electoral Commission (INEC) to the Supreme Court, arguing that some of the requirements in INEC's guidelines for registration were unconstitutional. As a result, the INEC is no longer responsible for verifying the national character of parties, rendering the incentive for aggregative party organizations ineffective.

Party nationalization in Africa

When spatial distribution requirements are adopted to counter ethnic divisions, the ultimate aim is not to create national parties in merely organizational terms but also national parties in electoral terms. This can be measured with the PNS. We do not have data, however, on the crucial intervening variable of party organization or on the way parties appeal to voters. We limit this chapter's objectives to identifying whether there is a relationship between party regulation and national parties, defined in terms of vote distribution.

Unfortunately, there are few analyses of party and party system nationalization in Africa. The main reason for this lacuna is the enormous difficulty in gaining access to detailed election results – a difficulty that comparative scholars interested in non-industrialized countries frequently face (Jones and Mainwaring 2003).[7] In addition, party regulation has not so far been examined as a potential influence on party nationalization scores. This omission is less surprising when one realizes that the study of party regulation only recently made it on to the research agenda of comparative politics (Reilly *et al*. 2008). We use the party nationalization score as an indicator of the extent to which individual African parties have become nationalized. High nationalization rates are associated with national parties. Low nationalization rates are indicative of the existence of ethnic, religious, or any other type of particularistic party (Ishiyama 2002; Croissant and Schächter 2008; Elischer 2008).

We chose Party Nationalization Scores (PNS) that are calculated on the basis of the inverted Gini-coefficient of a party's vote spread across the first level below the national level. Gini-coefficients are the most widely used measurement to identify differences in income inequality (Creedy 1998). It ranges from 0 in case of perfect equality across all units to 1 in case of perfect inequality. Accordingly, in our study the inverted Gini-coefficient of 1 signifies that a party received the same vote share across all districts, while a coefficient of 0 indicates that a party received all its votes in one district and no votes in the others.

Inverted Gini-coefficients have been chosen for a variety of reasons. First, PNS measure actual partisan support. Static nationalization scores can better indicate parties with narrow geographical appeal than dynamic scores. By contrast dynamic scores are better suited to identify the degree to which legislators were successful in ensuring extra funding ('pork') for their constituencies in order to get re-elected (Morgenstern *et al.* 2009). Second, in the recent literature, inverted Gini-coefficients are the most frequently used measurement (Jones and Mainwaring 2003; Croissant and Schächter 2008; Elischer 2008; Harbers 2010).

We calculated the PNS for 38 parties or alliances in 37 elections in 12 countries. We confined our sample to parties that qualify as relevant according to Sartori's (2005) counting rule, which looks at the relevance of parties for government formation either in a positive (coalition potential) or negative (blackmail potential) manner. In countries with dominant or dominant authoritarian parties that by definition only have one relevant party (see Bogaards 2004a), the strongest opposition party has also been included.

The case selection for the present, explorative analysis of the impact of positive ethnic party bans on party nationalization in Africa is driven by two considerations: (1) the availability of data, which poses a major constraint, as explained earlier; and (2) the desire to have a collection of countries that shows variation on three key variables. To assess the impact of party regulation on party nationalization, we need information on both countries with a positive ethnic party ban and a country with a negative party ban only (Namibia). We even included a few countries that do not regulate ethnicity in party politics (Botswana, Mauritius, and South Africa). To check for the impact of regime type, we made sure to select both electoral authoritarian regimes (Tanzania and Uganda) and electoral democracies (Benin, Ghana, Mozambique, Niger, and Sierra Leone) among the countries with a positive ethnic party ban.[8] This matters because of the suspicion that 'incomplete democracies are more likely to ban political parties than established democracies' (Bourne 2012: 1079; emphasis removed from original).

Party nationalization in African countries with a positive ethnic party ban

Seven countries in our study have a positive ethnic party ban and they all show remarkably high party nationalization scores, also in comparative perspective (cf. Jones and Mainwaring (2003) for Latin America, and Croissant and Schächter (2008) for Asia). The relatively high nationalization scores for some parties in Benin are misleading because these parties are in fact rather incoherent alliances of communally based parties (Basedau and Stroh 2009). These alliances are to a large extent the product of the two-round system for presidential elections.

Cape Verde has a stable, highly nationalized party system. The Partido Africano da Independencia de Cabo Verde (PAICV) was the driving force behind

independence, while the Movimento para a Democracia (MPD) was the leading force in the struggle for multiparty democracy. While the PAICV portrays itself as an African-oriented left-leaning party, the MPD favors cooperation with international organizations and is a member of the centrist Democrat International (Szajkowski 2005).

Ghana displays a consistently high PNS with the exception of the NPP in 1992 and 1996 when the party was in opposition. The increase in the party's PNS is a result of the party's more inclusive approach toward communities that previously voted for other parties (Elischer 2008).

Mozambique has a ruling party with a very high PNS and an opposition party with a considerably lower level of nationalization. Party politics in Mozambique are determined by the competition between FRELIMO and the former rebel group RENAMO. This bipolarity seems to dissolve slowly, however, as RENAMO loses support with each election. Party politics in Niger is the story of a fairly nationalised ruling party, the MNSD (Mouvement National pour la Société du Développement), with more mixed results for the other parties. Survey research has shown a rather high degree of ethnicization of party support for Convention Démocratique et Sociale (CDS) and Alliance Nigérienne pour la Démocratie et le Progrès (ANDP), which might explain their low levels of nationalization (Basedau and Stroh 2009). The PNS of All People's Congress (APC), which was formed in 1960 and is one of Sierra Leone's two major parties, is anomalous in that it is relatively low for a ruling party that was once a former single party.

Tanzania boasts the party with the highest nationalization score. The Chama cha Mainduzi (CCM), the former single party, managed to stay politically dominant since the reintroduction of multiparty politics. The CCM gains more votes and seats in every election and, while financial advantages and harassment of opposition parties strengthen its position, we can explain its continuing success by its strong presence throughout the country and persistent popular support (Hoffman and Robinson 2009). Several smaller parties have managed to secure some seats but the strongest opposition party is the Civil United Front (CUF), which has its main support base in Zanzibar (particularly Pemba) and in the coastal region. However, the CUF has managed to broaden its support base significantly and to reach out to new voters, thereby increasing its degree of nationalization. As mentioned above, Tanzania is the only country in this dataset that manifestly enforced spatial distribution requirements and denied registration to parties because of failure to comply. These measures at least helped to prevent smaller, regional parties from contesting elections.

The political landscape in Uganda is marked by the dominance of the NRM which has governed the country since 1986 and has continued to do so following the change from the so-called movement system, which banned party activity (but not parties themselves), to multiparty politics in 2005. The main opposition party proved to be fairly nationalized but was unable to gain significant support in the Western region, the main NRM stronghold (Makara *et al.* 2009).

Although most of the nationalization scores of the parties in Table 3.2 are surprisingly high, there is variation among countries, among parties, and diachronically. For our purposes, the most pressing question is whether we can explain the variation in the degree of nationalization of parties between countries through the particular form of the positive ethnic party ban. The evidence we have at this point is only suggestive, but the countries listed in Table 3.2 that have the strongest history of intervention in the development of their party systems (Uganda and Tanzania) and the country that has the broadest scope of party regulation (Ghana) are also the ones with the highest PNS, second only to highly integrated Cape Verde. One pattern stands out: ruling parties are more nationalized than opposition parties. This observation is consistent with the findings of Croissant and Schächter (2008: 655), who discovered a positive relationship between vote share and degree of nationalization. Ruling parties are more likely to be larger parties and larger parties are more likely to have nationwide support. This effect may be reinforced in Africa by the prevalence of dominant party systems (Bogaards 2004a).

Party nationalization in African countries without a positive ethnic party ban

How does the PNS of countries with a positive ethnic party ban compare to that of countries with only a negative ethnic party ban? And what about the few countries in Africa that have neither?

Table 3.3 presents the PNS for one country with a negative but no positive ethnic party ban (Namibia) and three countries that have neither positive nor negative ethnic party bans (Botswana, Mauritius, and South Africa).

Since independence in 1989, Namibia has been governed by the South West African People's Organization (SWAPO), which gradually transformed from a liberation army to a political party. The Democratic Turnhalle Alliance (DTA) was the official opposition from the time of independence in 1989 until 2004, a role taken over by the newly emerging Congress of Democrats (CoD). The main reason for the comparatively low PNS of the DTA and the CoD is their rejection by the Northern (Ovambo) electorate. Yet both parties campaigned nationwide and have national infrastructure. Both include a wide variety of ethnic groups and thus are clearly not ethnic parties (Elischer 2013).

Nationalization scores in Botswana are high for the Botswana Democratic Party (BDP), which has governed Botswana since independence. Scores for the Botswana National Front (BNF), the country's long-term opposition party, are slightly lower, yet the party is not confined to any particular community. The Botswana Congress Party (BCP) was founded in 1998 after breaking away from the BNF. The BCP is particularly strong in two regions dominated by minority groups. None of the three parties are ethnic parties (Brown and Saunders 2008). The more equal vote spread of the governing BDP is probably a result of a higher degree of party institutionalization and the many advantages of its long-term incumbency.

Table 3.2 Party nationalization in selected countries with a positive ethnic party ban

Country	*Party*	*1. Election*	*2. Election*	*3. Election*	*4. Election*	*5. Election*	*6. Election*
		1991	*1995*	*1999*	*2003*	*2007*	
Benin	UBF	n.a.	n.a.	n.a.	.65		
	MADEP				.32		
	FCBE					.72	
	ADD					.56	
	PRD					.32	
		1991	*1996*	*2001*	*2006*		
Cape Verde	PAICV	n.a.	n.a.	.84	.90		
	MpD			.85	.88		
		1992	*1996*	*2000*	*2004*	*2008*	
Ghana	NPP	.65	.65	.73	.80	.85	
	NDC	.88	.89	.74	.68	.78	
		1994	*1999*	*2004*	*2009*		
Mozambique	FRELIMO	.71	.71	.83	.84		
	RENAMO	.64	.62	.60	.59		

		1993	*1995*	*1996*	*1999*	*2004*	*2009*
Niger	MNSD	.81	*n.a.*	*n.a.*	.78	.80	n.a.
	PNDS	.66			.71	.50	
	CDS	.65			.52	.57	
	ANDP	.51			.27	.20	
		1996	*2002*	*2004*			
Sierra Leone	SLPP	n.a.	.77	.73			
	APC		.44	.59			
		1995	*2000*	*2005*			
Tanzania	CCM	.91	.94	.94			
	CUF	.37	.61	.66			
		2006					
Uganda	NRM	.86					
	FDC	.80					

Sources: Psephos Adam Carr's Election Archive, http://psephos.adam-carr.net; Nohlen et al.1999; Brancati 2006; Constituency-Level Elections (CLE) Dataset, New York, 2004; Commission Electorale Mozambique: EISA; African Elections Database; Electoral Commission of Ghana; Electoral Commission of Benin.

Note

The figures are inverted GINI coefficients of a party's vote distribution across the country: the closer the number is to 1, the more nationalized the party. For full party names, see the appendix. All countries are electoral democracies, except those in italics (Tanzania and Uganda). Niger (1995, 1996) did not qualify as an electoral democracy for these elections.

Table 3.3 Party nationalization in selected countries *without* a positive ethnic party ban

Country	*Party*	*1. Election*	*2. Election*	*3. Election*	*4. Election*	*5. Election*
		1989	*1994*	*1999*	*2004*	
Namibia	SWAPO	.74	.77	.79	.85	
	DTA	.81	.60	.51		
	CoD				.58	
		1989	*1995*	*1999*	*2004*	*2009*
Botswana	BDP	n.a.	n.a.	.86	.83	.92
	BNF			.71	.63	.68
	BCP					.64
		1991	*1995*	*2000*	*2005*	
Mauritius	Alliance MSM/ MMM	.90		.90	.89	
	Alliance MLP/ MMM		.91			
	Alliance MLP/ PMSD	.87				
	OPR		.43			
	Alliance MLP-PMXD			.89		
	Alliance Sociale				.89	
		1994	*1999*	*2004*	*2009*	
South Africa	ANC	.83	.87	.89	.89	
	NP(P)	.45	.44			
	IFP	.15				
	DA			.68	.38	
	COPE				.73	

Sources: Electoral Commission of Ghana; Electoral Commission of Benin; Electoral Commission of Namibia; African Elections Database; EISA.

Note
The figures are inverted GINI coefficients of a party's vote distribution across the country: the closer the number is to 1, the more nationalized the party. For full party names, see the appendix. All countries are electoral democracies. Countries that are underlined have neither a positive ethnic ban nor a negative ethnic party ban (Botswana, Mauritius, South Africa).

At first glance, the only party in Mauritius that displays a low PNS is the Organisation du Peuple Rodriguais (OPR), which only contested the election on the island of Rodrigues and qualifies as a regional party. The otherwise high nationalization scores for Mauritius should not be taken at face value, as they pertain to alliances rather than individual parties. Unfortunately, data about the electoral performance of the parties that make up these alliances are unavailable. While the Mouvement Socialiste Mauricien (MSM) and the Mauritian Labour Party (MLP) are known to be vocal about the interests of the Hindu population, the PMSD is known to be a representative of the Creole population. The Mouvement Militant Mauricien (MMM) represents both Hindus and Creoles, and is particularly strong in the urban areas. This shows that parties derive a large segment of their support from the island's individual communities (Kadima and Kasenally 2006).

In South Africa, the African National Congress (ANC) has been in power since the end of apartheid in 1994. The National Party (NP) was the governing party of the apartheid regime. The National Party regrouped into the New National Party following the 1994 elections and in 2005 merged with the ANC. The Inkatha Freedom Party (IFP) has grown out of a Zulu cultural association. Accordingly, its electoral success is reduced to one region, KwaZulu-Natal. It constitutes an obvious case of an ethnic party. The Democratic Alliance (DA) has its roots in the white anti-apartheid movement of the 1970s and 1980s. It is particularly strong in South Africa's cities, especially the urban areas of Western Cape. The decline of the party's PNS between 2004 and 2009 is due to its significant rise of support in Western Cape. While it gained votes all over the country, its support almost doubled in Western Cape. The Congress of the People (COPE) is a breakaway from the ANC. Its members defected from the governing party out of frustration with the ANC's involvement in corruption scandals. Like the DA, it performs particularly strongly in traditional opposition areas, particularly in Western Cape (Southall and Daniel 2009).

In Table 3.3 we observe the same pattern as in Table 3.2: ruling parties have very high nationalization scores. The same cannot be said for all opposition parties. The main opposition party in South Africa, the DA, has a very low PNS and the PNS of opposition parties in Botswana and Namibia is also significantly lower than that of countries like Cape Verde, Ghana, Tanzania, and Uganda. In other words, ruling parties in Africa are highly nationalized but opposition parties are more nationalized in countries with a positive ethnic party ban than in those without. Whether this difference may be attributed to spatial distribution requirements for party registration cannot as yet be determined. The relevant opposition parties in Botswana, Mauritius, Namibia, and South Africa would have had no problem meeting Tanzanian-style registration requirements, but a party like the OPR in Mauritius, representing an island rather than a political group, would not have qualified.

Conclusion

In their introduction to this volume, Bertrand and Haklai discuss the importance of institutional configurations designed during the early stages of democratization for decreasing the political salience of ethnicity to avert violent conflict. From the onset, almost all third-wave democracies in Africa introduced constitutions that tried to regulate the political organization of ethnicity. They did this through (1) negative ethnic party bans designed to keep ethnicity out of politics by prohibiting parties from organizing and campaigning on ethnic platforms; and (2) what we label positive ethnic party bans, or the requirement that parties demonstrate their national character by having (founding) members, leaders, and offices (from) around the country. After documenting the extent of positive ethnic party bans in Africa, this chapter linked party regulation to party nationalization. Although the data are still limited and highly incomplete, we are able to present the first party nationalization scores for Africa. Our preliminary investigation reveals that, overall, those parties in Africa for which we have data are highly nationalized. Opposition parties are less nationalized than ruling parties. In countries without positive ethnic party bans, opposition parties are even less nationalized. While it is too early to attribute this difference to party regulation, these observations invite further scrutiny of the link in future research.

In their search for the determinants of party nationalization in Southeast Asia, Croissant and Schächter (2008: 664) conclude that in the end no single factor or cluster of factors can explain the differences and that the outcomes depend on a mix of institutional, actor-centered, and socio-cultural factors. Clearly, party regulation should be added to this set of explanatory variables and the distinction between positive and negative ethnic party bans should help to specify this relationship. The exact role of party regulation in this composite of variables can only be teased out through multivariant analysis, which in turn depends on the availability of a broader set of cases than we had at our disposal in the present study. Further research on party nationalization in Africa should include regime type, form of government (parliamentary or presidential, and, if the latter, how the president is elected), the degree of centralization, and information on the degree of heterogeneity and its geographical distribution.[9] Of particular interest is the way in which party regulation and electoral system design work together to promote the nationalization of parties (Bogaards 2008; McMenamin 2008).

The traditional justification of party bans has always been the defense of democracy. The targets of such bans were the so-called anti-system parties, usually from the extreme left (communism) or the extreme right (national socialism, fascism). In the past, countries involved were consolidated or consolidating democracies in the Western world. This has changed, as Rosenblum (2007) shows. Nowadays, the threat is not so much to democracy as such but to the nature of the state and the integrity of its territory. The source of the threat is parties based on religion or ethnicity, and the normative justifications for banning such parties include association with violence, incitement of hatred, endangering the political identity of a country, or foreign support and control. It

is easy to point to perverse motives, unintended consequences, and harmful side effects of party regulation (Randall 2008). On the other hand, in his study of party bans in Belgium, Spain, and Turkey, Bale (2007: 155) concludes that complaints that party bans 'will make no difference, that they will make things worse or that they will put existing achievements at risk – are not borne out in reality.' While this chapter does not provide a definitive answer to these important normative and practical questions, its distinction between negative and positive ethnic party bans should help constitutional engineers think about the options available to prevent ethnic conflict in democratizing countries. Indeed, the evidence in Africa suggests that when national parties are desired, this is more likely to be achieved through incentives for building national parties than by simply outlawing subnational parties.

Appendix: party names

Benin

ADD: Alliance for a Dynamic Democracy (Alliance pour une dynamique démocratique)
FCBE: Cauri Forces for an Emerging Benin (Force Cauris pour un Bénin émergent)
MADEP: African Movement for Democracy and Progress (Mouvement africain pour le développement et le progrès)
PRD: Democratic Renewal Party (Parti du renouveau démocratique)
UBF: Union for Future Benin (Union pour le Bénin du futur)

Botswana

BDP: Botswana Democratic Party
BCP: Botswana Congress Party
BNF: Botswana National Front

Cape Verde

MpD: Movement for Democracy (Movimento para a Democracia)
PAICV: African Party of Independence of Cape Verde (Partido Africano da Independência de Cabo Verde)

Ghana

NDC: National Democratic Congress
NPP: New Patriotic Party

Mauritius

Alliance MLP/PMSD: Mauritius Labor Party (Parti travailliste)/Social Democratic Party (Parti mauricien social démocrate)
Alliance MLP/PMXD: Mauritius Labor Party (Part travailliste)/Mauritian Party of Xavier-Luc Duval (Parti mauricien Xavier-Luc Duval)
Alliance MSM/MMM: Militant Socialist Movement (Mouvement socialiste mauricien)/Mauritius Militant Movement (Mouvement militant mauricien)
Alliance Sociale: MLP/PMXD/PMSD
OPR: Rodrigues People's Organization (Organisation du peuple rodriguais)

Mozambique

FRELIMO: Mozambique Liberation Front (Frente de Libertação de Moçambique)
RENAMO: Mozambican National Resistance (Resistência Nacional Moçambicana)

Namibia

CoD: Congress of Democrats
DTA: Democratic Turnhalle Alliance
SWAPO: South West African People's Organization

Niger

ANDP – Nigerien Alliance for Democracy and Progress (Alliance nigérienne pour la démocratie et le progrès – Zaman Lahiya)
CDS – Rahama: Democratic and Social Convention – Rahama (Convention démocratique et sociale – Rahama)
MNSD – Nassara: National Movement for a Developing Society – Nassara (Mouvement national pour la societé du développement – Nassara)
PNDS – Tarayya: Nigerien Party for Democracy and Socialism – Tarayya (Parti nigérien pour la démocratie et le socialisme – Tarayya)

Sierra Leone

APC: All People's Congress
SLDP: Sierra Leone People's Party

South Africa

ANC: African National Congress
COPE: Congress of the People
DA: Democratic Alliance
IFP: Inkatha Freedom Party
NP(P): (New) National Party

Tanzania

CCM: Chama cha Mapinduzi
CUF: Civic United Front

Uganda

FDC: Forum of Democratic Change
NRM: National Resistance Movement

Notes

1 There is no shortage of literature on the meaning of the term 'ethnic' (Chandra 2005) and whether 'ethnic identities' are fixed or malleable (Berman *et al.* 2004). In this chapter, the term 'ethnic' is used in its descriptive sense, referring to objective characteristics associated with common ancestry, such as language, territory, cultural practices, and so on. These characteristics are perceived by both insiders and outsiders as important indicators of identity (Kasfir 1976).
2 The results of this research project have been published in a special issue of the journal *Democratization* (17(4), 2010) and are also available in book format (Bogaards *et al.* 2013).
3 The official name of the unit below the national level varies from country to country. For pragmatic reasons we are using the term 'district' in the subsequent discussion.
4 The Comoros are the exception.
5 Personal communication between Anika Becher and a country expert from the Netherlands Institute of Multiparty Democracy.
6 In order to participate in elections, parties additionally need 5,000 signatures from voters nationwide and 500 signatures per provincial constituency.
7 While in Africa it has become more common to report official election results, results at the subnational level often require field research. Our data collection required at times extensive field research and the help of country experts.
8 Country classification follows the designation by Freedom House (www.freedomhouse.org). For a review of measures of democracy applied to Africa, see Bogaards (2007a).
9 Information on the spread of ethnic groups over the country can also help to control for underreporting of ethnic parties. If a particular community (or religious group) is spread across several districts and constitutes a significant number of the voting population throughout various districts, parties might do well on the PNS even though they constitute ethnic parties (Ishyama 2002; Stroh 2010).

4 Partisan attitudes and constitutional settlements in democratizing divided societies

Spain and Czechoslovakia

Simon Toubeau

Some democratizing divided societies are confronted with a delicate balancing act that requires accommodating nationalist claims for symbolic recognition and territorial autonomy on the one hand and preserving the territorial integrity of the state on the other. The difficulty of reconciling these imperatives means that there are considerable differences in how nascent democracies manage this act. While some are able to successfully institutionalize national diversity in a reconfigured territorial order, others succumb to centrifugal pressures and breakup. This chapter studies these diverging paths in the cases of Spain and Czechoslovakia, two multinational states in which the politicization of long-standing territorial and national cleavages produced very different constitutional settlements. In Spain, the integrity of the state was preserved during democratization. By contrast, an impasse in the debate over a new constitution resulted in the breakup of Czechoslovakia.

In order to understand these different outcomes, I will focus on the stance that political parties adopt towards the accommodation of nationalist claims and the territorial distribution of authority during the "critical juncture" of the democratic transition. As discussed by Bertrand and Jeram in Chapter 1, political organizations play a crucial role in steering transition. In the two cases investigated in this chapter, political parties in particular were the main actors that bargained over a new constitution and reached agreements on the territorial organization of the state. Hence, their stance towards state structures constitutes the main "proximate variable" shaping political outcomes. Therefore, the key premise of this chapter is that partisan attitudes are the principal mediating factor in explaining whether or not newly democratizing regimes are able to accommodate ethnic groups.

I argue that the attitudes of political parties are strongly influenced by their *strategic interests*, significantly influenced by the founding election, and *ideological beliefs*, which are, in turn, shaped by the legacies of past institutions and practices (the presence of a historic tradition of accommodation). Through a detailed comparative analysis of the two cases, I show how the results of the founding elections interact with inherited institutions of the authoritarian regime to shape the capacity of nationalist parties to set the political agenda as well as the incentive structure for mainstream parties to accommodate nationalist claims.

The willingness of partisan actors to consider accommodative territorial strategies is further influenced by the relative distance of their positions from the status quo and from each other, and the deployment of a decision-making style that encourages mutual accommodation and the preservation of territorial integrity.

Thus, in Spain, statewide parties had strategic incentives and ideological openness to accommodate nationalist claims, but needed to win broad support across the territory. At the same time they were committed to preserving the integrity of the state. By contrast, in Czechoslovakia, the absence of statewide parties that competed across the country (and could speak for both communities) in the founding elections ultimately gave a practical veto power to the nationalists over the political agenda and, along with the absence of a genuine tradition of territorial accommodation, engendered a constitutional deadlock that resulted in the velvet divorce.

The chapter is divided into five sections. The first develops a theoretical framework for understanding the determinants of partisan attitudes and their influence on constitutional settlements. The second traces how nationalist parties set the agenda and examines how the strategic interests and ideological beliefs of mainstream parties condition their willingness to accommodate nationalist claims. The third section examines the bargaining process between partisan actors, focusing on how parties' position and decision-making style shape political outcomes. The fourth section compares the two countries to draw out inferences regarding the influence of attitudes, while the conclusion summarizes the findings and highlights their implications.

Agenda-setting and partisan bargaining during democratic transitions

The framework for analyzing whether democratization enhances the accommodation of ethnic groups is grounded in the understanding developed in Bertrand and Haklai's introduction to this book, which stresses that the period of transition offers a wide range of possibilities for ethnic relations to improve or to deteriorate. The direction taken during transition is at least partly determined by the way in which the interests and the beliefs of party leaders shape their approach towards the territorial accommodation of ethnic demands. The components of this framework are depicted in Figure 4.1 and fleshed out below.

The 'critical juncture'

Democratization is a complex, potentially protracted, and non-linear process that encompasses the liberalization of an authoritarian regime, the exceptional constitutional politics at the moment of transition, and the consolidation period when the existing constitution is accepted and legitimated through periodic elections and government turnover (Schneider and Schmitter 2004). The critical juncture of transition from authoritarian to democratic rule is a relatively short time period

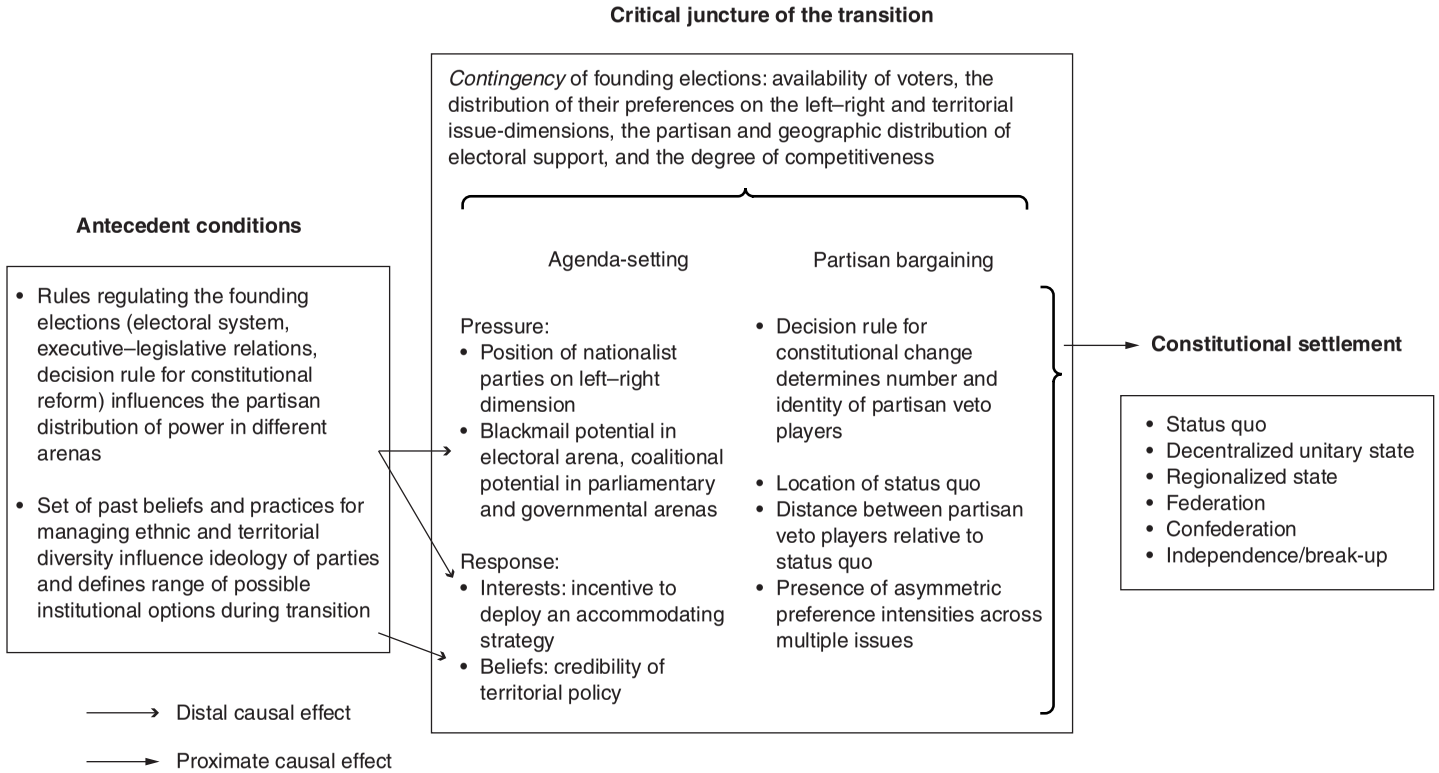
Critical juncture of the transition
Contingency of founding elections: availability of voters, the distribution of their preferences on the left–right and territorial issue-dimensions, the partisan and geographic distribution of electoral support, and the degree of competitiveness
Antecedent conditions
Rules regulating the founding elections (electoral system, executive–legislative relations, decision rule for constitutional reform) influences the partisan distribution of power in different arenas
Set of past beliefs and practices for managing ethnic and territorial diversity influence ideology of parties and defines range of possible institutional options during transition
Agenda-setting
Partisan bargaining
Pressure:
Position of nationalist parties on left–right dimension
Blackmail potential in electoral arena, coalitional potential in parliamentary and governmental arenas
Response:
Interests: incentive to deploy an accommodating strategy
Beliefs: credibility of territorial policy
Decision rule for constitutional change determines number and identity of partisan veto players
Location of status quo
Distance between partisan veto players relative to status quo
Presence of asymmetric preference intensities across multiple issues
Constitutional settlement
Status quo
Decentralized unitary state
Regionalized state
Federation
Confederation
Independence/break-up
Distal causal effect
Proximate causal effect

Figure 4.1 Agenda-setting, partisan bargaining and constitutional settlements.

that begins with the *founding election* – the event that separates what Rustow (1970) refers to as the preparatory and decision phases of the democratic transition – and ends with the establishment of a new constitutional settlement that defines the authority of ethnic groups and territorial entities. It is a period of high uncertainty during which the choices of political actors close off alternative options and produce large-scale transformations of territorial arrangements that become difficult to alter once set on a particular path (Capoccia and Kelemen 2007).

As will be discussed by Bertrand and Jeram in Chapter 6, political organizations play a crucial role in shaping transitional politics. In the two cases discussed in this chapter, political parties in particular constituted the main actors that steered the transition and negotiated the constitutional settlements. The founding elections constitute a "heroic moment" for parties that "show themselves to be not only, or not so much, agents of mobilization as instruments of social and political control" (O'Donnell *et al*. 1986: 58). Parties can emerge out of both the opposition and the authoritarian regime; they mobilize electorates around particular social cleavages and political slogans; they adjust their programs to better compete with their rivals; and, once elected, they determine the set of issues that find their way onto the agenda of the transitional government.

The choices available to political parties that participate in this process are constrained by antecedent and pre-existing conditions (Collier and Collier 1991; Mahoney 2001). As elaborated upon in Chapters 2 and 7 by Haklai and Laliberté respectively, the range of options available to actors is rooted in the set of attitudes and practices inherited from the pre-transition experience of managing ethnic diversity. Which option is eventually selected will be influenced by party distribution during the transition. Party distribution in constitutive assemblies, in turn, is determined by the procedures established under the authoritarian regime and by the contingent properties of the founding elections. Thus, founding elections with pre-transition inheritance have a significant influence on how the constitutional issues associated with the accommodation of ethnic and territorial diversity are managed. These issues are tackled during two phases (Toubeau 2011): first, when the agenda of issues is first decided; and second, when parties bargain over how to resolve them in the new democratic constitution.

Agenda-setting

The ability of nationalist parties to drive forward their ambitions during a democratic opening begins with their capacity to set the agenda; that is, to transform their particular *demands* into a set of *issues* that receive the attention and consideration of mainstream parties (Cobb and Elder 1983; Kingdon 1995). This results from pressures exerted by their "relevance" in two spheres of action (Sartori 1976). In the electoral arena, nationalist parties can set the agenda by exercising "blackmail" potential: they can mobilize nationalist sentiment in the region, raise the salience of the territorial issue dimension, and persuade mainstream parties to adjust their stance toward territorial reform. In the parliamentary and governmental arenas, nationalist parties can exercise "coalition"

potential by engaging in partisan brokerage and trading "policy for authority" (Heller 2002), exchanging their support for government formation and stability for concessions on matters of territorial reform. Their capacity to set the agenda will be shaped by the interaction of three variables:

1 Their position on the left–right dimension, which will determine the incidence of their insertion in the party system, and thus the number and identity of mainstream parties they threaten in the electoral arena, as well as their ability to assume a "pivotal" position in Parliament.
2 The contingent properties of the founding election, which will shape the potential of nationalist parties to win votes and exert pressure on mainstream parties. This includes the availability of voters, the distribution of their preferences on the left–right and territorial issue dimensions, the partisan and geographic distribution of electoral support, and the degree of competitiveness.
3 The rules inherited from the authoritarian regime, which will shape their bargaining power in the parliamentary and governmental arenas. These include the threshold of the electoral system, the structure of executive–legislative relations, and the decision rules for ratifying constitutional reform.

The response of mainstream parties to nationalist demands, in turn, is shaped by the relative weight of their interests and beliefs in their choice of strategy. Their interests are informed by an electoral logic that privileges vote- and office-seeking goals. Following Meguid (2005, 2008), we can expect mainstream parties to adopt an accommodative strategy in order to co-opt nationalist claims and undermine the latter's ownership of the territorial issue, to appeal to regional voters, and to establish their predominance in the party system. Conversely, mainstream parties that are not threatened will likely adopt an adversarial strategy and oppose territorial reform. The capacity of mainstream parties to adopt an accommodative strategy is however constrained by an ideological logic – the set of principles and values guiding their actions, in particular, by the "credibility" of their territorial policy (Downs 1957; Robertson 1976; Budge 1994; Alonso 2012). This refers to the presence of a historic tradition and policy record of supporting decentralization and the territorial integrity of the state that informs the party's view on the appropriateness of its position and legitimizes that stance in the eyes of the electorate (Bowler 1990). A party's stance is therefore not party-neutral, since past practices leave a legacy that bears influence on the attitudes of political parties toward the territorial accommodation of ethnic groups.

Partisan bargaining

Whether and how this agenda-setting capacity is translated into a specific outcome (e.g., the status quo, a decentralized unitary state, a regionalized state, a federation, a confederation, or a state's breakup) depends on the content of the

bargain reached between parties. The first variable shaping the bargain is the decision rule stipulating the amendment procedure and legislative threshold necessary for approving constitutional change (Lutz 1994), as this will determine the number and identity of partisan veto players involved in the negotiation process (Tsebelis 2002). This institution is also "inherited" from the authoritarian regime, which establishes the procedure and requisite majorities for approving the democratic charter prior to the founding elections.

By assigning veto power to partisan actors, the decision rule lies at the nexus of the agenda-setting and decision-making phases. This perspective, adopted in spatial models of bargaining (Romer and Rosenthal 1978; McCarty 2000), views the agenda-setting phase as partly conditioned by the decision rule: the agenda-setter anticipates the demands of veto players by placing its proposal close enough to their preferences that is becomes preferable to the status quo, but yet remains closest to its own preference. Thus, parties may expect to set the agenda if the decision rule endows them with veto power.

The likelihood that partisan actors forge a bargain on the reform of state structures and the substance of that reform will be shaped by three variables. The first is the location of the status quo, which will determine the types of questions relative to the territorial accommodation of ethnic groups that are subject to negotiation. The second is the distance between partisan veto players relative to that status quo and each other. Many differences are likely to emerge between parties on key questions; for instance, the assignment of residual authority or the symmetric allocation of competences between regions. The distance between parties across these matters (and other matters on the agenda of the transitional government) will determine the set of possible outcomes for which a majority can defeat the status quo (Tsebelis 2002).

If the distance is too important, then a bargain is just not feasible. If it is feasible, then its substance will be shaped by a third variable, namely the presence of asymmetric preference intensities across the set of issues on the agenda. For an agreement to be forged, parties must display asymmetric preferences, i.e., different degrees of attachment to different issues in order to engage in a log-rolling process that witnesses the concessions offered by one party in one domain met by the concessions offered by another party in another domain. This process is usually underpinned by a problem-solving style of decision-making that focuses on joint benefits (Scharpf 1989). Conversely, if parties have symmetric preferences, i.e., they feel very strongly about the same issues, and adopt a confrontational style of decision-making that focuses on relative gains, then negotiations are likely to yield deadlock and failure.

Competing explanations

By assigning causal influence to the attitudes of partisan elites, this framework perforce downplays the effect of "underlying variables" such as social cleavages or the diffusion of democracy during the "third-wave" (Huntington 1996). Deep-rooted structural factors (e.g., the number and size of ethnic groups, the degree

of cultural and linguistic differences, or income inequality between them) heighten the salience of ethnic and territorial cleavages and the likelihood of ethnic conflict (Horowitz 1985; Fearon and Laitin 2003) during a democratic transition, and thus put pressure on institutions to adapt to social realities (Erk 2007; Livingston 1956). However, structural explanations are insufficient for explaining the outcomes: Czechsolovakia, the USSR and Yugoslavia all broke up, even though the first was characterized by competition between two evenly sized and culturally proximate groups, while the other two featured a dominant majority (Serbs, Russians) and several smaller assertive minorities of different ethnic, linguistic, and religious affiliation. Moreover, the number and identity of ethnic groups and the relationship between them is not a simple empirical fact, but rather an aspect of the debate on the new territorial order that is constructed and politicized by partisan actors. The struggle of Slovak, Basque, and Catalan nationalists has consisted primarily of establishing a degree of parity, on a bilateral basis, between their nation and the Czechoslovak or Spanish central state. Thus, what must be appreciated are not simply structural features of ethnic groups, but rather the "relevance" of the partisan representatives of ethnic groups in the party system and how the relationship between groups is constructed and negotiated during the democratic transition, and then institutionalized in the new territorial order.

The international dimension of democratization can also contribute to divergent outcomes (Whitehead 1996). In Czechoslovakia, the transition to democracy was prompted by the lifting of the Soviet yoke on democratic initiatives in the countries of the Eastern Bloc. Furthermore, the dissolution of the state took place amid the disintegration of other multinational states in the region: the Soviet Union was dissolved following the aborted military coup in August 1991; and Slovenia and Croatia seceded from Yugoslavia in 1991. These events undoubtedly made the idea of Czechoslovakia's dissolution in 1992 at least conceivable, if not attractive, for Czech and Slovak political elites. In Spain, conversely, the immediate trigger to liberalization and democratization was a domestic factor: the death of Franco in 1974. Moreover, international norms prevailing during Spain's democratic transition in the late 1970s were more conservative and favored the preservation of the status quo: there were no cases of successful secession, save for the case of Bangladesh in 1971, since the right to independence only applied to overseas colonial territories. Moreover, accession to the European Union (EU) was not yet being countenanced for Spain, nor had the EU developed the conditionality agreements that could generate external pressure on governments to respect the collective rights of ethnic groups and create a regional structure of government.

The international context can thus potentially constitute a confounding factor for the present explanation. But the indirect (and at times subconscious) nature of this influence renders this a difficult variable to test rigorously, unless there is explicit acknowledgment of existing foreign precedents or external pressure in the justification of the institutional choices of partisan actors. Moreover, it is an underlying variable that will operate, if at all, through the "mindset" of partisan

actors, whose stance will be shaped primarily by domestic interests and beliefs. As the following empirical analysis demonstrates, the proximate variable affecting constitutional settlements thus rests with partisan attitudes.

Setting the agenda: nationalist assertion during the democratic opening

Spain

In Spain, the founding elections of June 1977 opened up the critical juncture of the transition and gave rise to partisan debates regarding management of the "Regional Question". The main drivers underlying the decentralization of state structures and the symbolic recognition of plurinationalism were the Basque and Catalan nationalist parties, the *Partido Nacionalista Vasco* (PNV) and *Convergencia Democratic de Catalunya* (CDC). The two parties differed in the specificities of their aspirations. The PNV called for the inclusion of the *Fueros* in the Constitution, a Statute of Autonomy with a significant fiscal autonomy and the right to self-determination for the Basque country (Diez Medrano 1995: 183).[1] The CDC sought to obtain the autonomy and resources necessary to construct the Catalan nation, to secure Catalan interests in the decisions of the central government, and to "Catalanize" Spain by making a positive contribution to the stability and governance of the Spanish polity (Aguilera de Prat 2002). Thus, while the Basque nationalists sought the re-establishment of a sovereign Basque nation, Catalan nationalists focused on more concrete advancements in matters of territorial autonomy.

The PNV and CDC were able to advance these objectives by setting the agenda from the electoral arenas, where their assertive presence during the campaign revived the territorial line of conflict and defined the dimensionality of the new party system. As Linz and Montero (1999: 44) put it, the presence of nationalist parties "reflected the importance of the regional cleavage as a second dimension of competition that structured both the existence of regional party systems in some regions and their complex interaction with the party system at the statewide level." The salience of the territorial issue dimension was reflected in the clear majority of support among the citizens of Catalonia and the Basque country for territorial autonomy and federalism, in particular among voters with leftist and centrist inclinations (Linz *et al*. 1981). Moreover, the Christian Democratic ideology of the PNV and CDC and their centrist position on the left–right axis incited them to deploy "catch-all" electoral strategies designed to obtain support across social segments, which threatened the ability of Spanish parties of all colors to win support in these regions.

The second site of influence for the PNV and CDC was the parliamentary and governmental arena, where the interaction between the contingent results of the founding election and the "inherited" institutions of the Franquist regime enabled them to exercise more direct control over the agenda. The founding election was highly competitive and yielded a near-even balance of power between the largest

mainstream parties, the *Partido Socialista Obrero Español* (PSOE) and the *Unión del Centro Democratico* (UCD), which managed to win only 35 percent of the vote and 166 seats, 10 seats short of a parliamentary majority. The opportunity that this state of affairs presented for nationalist parties was enhanced by two institutions: the electoral system and the rules regulating executive–legislative relations. The electoral system, established by the authoritarian regime in March 1977, is a "strong" system that exercises a reductive effect on the party system by encouraging parliamentarians to join large statewide parties.[2] Yet, it failed to prevent territorial fragmentation and produced an "imperfect" two-party system in which nationalist parties established themselves as "relevant" actors (Gunther 1989). The Law of Political Reform (LPR) approved by the Cortes in October 1976 established a bicameral parliamentary monarchy with a strong executive, in which the prime minister was nevertheless required to win a vote of investiture in Parliament (Bar 1988). As a result, nationalist parties were in a position to exercise coalition potential by lending their parliamentary support to the UCD. Their bargaining power was bolstered by their centrist ideology on the left–right axis and their 'pivotal' position in the party system, as well as the reluctance of the three largest parties to form a coalition (Maravall and Santamaria 1986). The UCD thus turned to the CDC and the PNV for support during its investiture.

The response of mainstream parties to the claims of assertive nationalist parties was shaped by their strategic interests and ideological beliefs. The parties of the center-left, the Communist Party (*Partido Communista Espanol*, PCE) and the PSOE, emerged as the strongest proponents of territorial autonomy. Historically, these parties drew considerable electoral support in the Basque Country and Catalonia due to their advanced industrial development and the presence of a sizable working-class constituency. Therefore, they expected to compete against nationalist parties for the support of the urban proletariat, which had become increasingly nationalist in orientation: in both regions, nationalist movements were spearheaded by left-wing organizations, such as the *Partit Socialista Unificat the Catalunya* (PSUC) or the radical separatist ETA (*Euskadi Ta Askatasuna*, Basque Land and Freedom). Concomitantly, nationalist and left-wing political forces had found common cause in their opposition to a right-wing, centralist, and Conservative dictatorship that had lumped them together as "*rojo-separatistas*" (red-separatists). This consideration was particularly relevant for the PSOE, which, as the largest opposition party, entertained ambitions for being in government. The PSOE needed to endorse decentralization in order to cast itself as an actor of democratic change.

The incentive for the PCE and PSOE to accommodate nationalist parties was nevertheless moderated by their ideological beliefs. These parties exhibited a historic sympathy for regional nationalism that could render credible their accommodative strategy, for instance, the support for a federation of "Iberian nationalities" in 1918 and the ratification of the Catalan Statute of Autonomy and the *Estado Integral* during the Second Republic (1931–1936). At the same time, however, these parties held a centralist ideology that sought to advance the

interests of their core constituents in the other regions of Spain, such as the industrial workers of Asturias or the agricultural workers of Andalusia, who identified with the Spanish state and nation. This cause was advanced with efforts such as the PSOE's promulgation of national labor legislation in the 1930s (Carr 1982).Therefore, the statewide ambit of the electoral arena and the divergent interests and constitutional preferences of their core constituents forced the PCE and PSOE to temper their accommodative strategy. The PCE advocated the establishment of a federation that recognized the multinational character of Spain and the right to self-determination for Catalonia, the Basque Country, and Galicia, but balanced this position with a reassertion of its identification with the Spanish working class (Blas Guerrero 1978). Similarly, the PSOE recognized the existence of linguistic and cultural diversity in Spain and supported the right of regions and nationalities to obtain institutions of self-government within a Spanish federation. But this position was matched by a pledge to defend the unity of the Spanish state and by a commitment to ensuring the equal provision of basic rights for all citizens (Gonzales and Guerra 1977). Thus, the enthusiasm of center-left parties for political decentralization was interlocked with a centralist tradition that favored the socialist ideals of equality and solidarity.

Political parties of the center and right adopted a more skeptical attitude. This stance was in line with the absence of any immediate interest in cultivating electoral support in the Basque Country and Catalonia where they were historically weak, due to monopolization of the center-right option by Christian Democratic nationalist parties. Instead, their social and geographical support base was among the conservative aristocracy and professional classes of the center, the conservative peasant smallholders of the center and the North, and the landowners of the South. There was thus little room for them to conquer and few votes for them to win in those regions. At the center, the moderate forces that initiated the dismantling of the authoritarian regime gathered in the loose coalition of the UCD, which emerged in favor of a decentralized unitary state. This position reflected the confluence of the diverse ideological currents that co-existed within its fold and the preferences of its Liberal Andalusian branch for territorial autonomy. Moreover, it was made credible by the party's early recognition of the prominence of the regional dimension in the organization of a democratic Spain. However, the objective of being competitive across the Spanish territory and its centralist ethos meant that it also made a commitment to the unity of Spain, to the maintenance of interregional solidarity, and to the generalization of the right to territorial autonomy (Hopkin 1999; Huneeus 1985). On the right, the *Alianza Popular* (AP) was constructed on the basis of personal ties between members of the Franquist regime and so inherited a resolute loyalty to the unity and sovereignty of the Spanish nation (Preston 1975). The party positioned itself in favor of a limited degree of administrative decentralization toward provinces within the framework of a unitary state, but was virulently opposed to recognizing the nationalities' right to self-determination (Lopez-Nieto 1988). This was resonant with the party's historic (and periodically violent) hostility to regional nationalism owing to the threat it presented to the integrity of "eternal" Spain.

Thus, the founding elections and the institutions inherited from the Franquist regime shaped the capacity of nationalist parties to set the agenda, as well as the incentives for mainstream parties to accommodate their demands. But this choice of strategy was moderated by the need to obtain statewide electoral support and by the presence of centralist or federalist traditions in a party's ideological beliefs.

Czechoslovakia

In Czechoslovakia, the founding elections of June 1990 provided an opening for the articulation of the "Slovak Question." The principal driver for a reform of the state thus emanated from Slovakia, whose citizens demanded a revision of the terms of the Federation and an increase in the powers of existing Slovak political bodies in order to better deal with local problems, to offset their perceived subordinate role, and thus to achieve "equality and visibility" (Hilde 1999: 649–653). There was no strong public sentiment in favor of outright separation, apart from that expressed by the small Slovak National Party (*Slovenská Národná Strana*, SNS).

The expression of the public's moderate constitutional preferences was however amplified in the electoral arena by the "ethno-federal" institutions inherited from the communist regime, which established two separate regional constituencies and party systems. These institutions perpetuated the political separation of the two regions by preventing the emergence of statewide party organizations (Leff 1999; Roeder 1991). This was first evident in the pattern of mobilization against the communist regime. The social movements were organized on a national basis: Civic Forum (OV) was based in Prague while Public Against Violence (VPN) was in Bratislava. The active presence of OV in many parts of Slovakia could have allowed it to act as a genuine statewide movement, but the Slovak branches were encouraged by the OV leader, Vaclav Havel, to join forces with the VPN, and, as a result, "the chance for a unified political management of the reform process in the entire country disappeared" (Zac 1995: 302).

The main consequence of this institutional legacy was to encourage all parties to identify with their community rather than with the Czechoslovak state, and to exacerbate the demands for reform voiced in Slovakia by creating incentives for Slovak mainstream parties to "outbid" each other on the territorial issue dimension. This centrifugal dynamic was reinforced by the electoral system, which allowed for a high degree of fragmentation because it comprised a high district magnitude and established a low legal threshold applicable at the regional level.[3] The SNS won 12 percent of the vote and eight seats in June 1990, and remained a modest fourth electoral force in the region. However, with only a Slovak electorate to persuade, other parties had a strong interest in deploying an accommodative strategy and radicalizing their position, emulating the populist appeal of the SNS. This first occurred with the Christian Democratic Movement (KDH), led by Jan Čarnorguský, which had maintained a federalist stance but then demanded that the Czechoslovak republic become a confederation, stating that

the final objective was the establishment of an independent Slovak state with separate representation in the European Union.

This increased the pressure on the successor party of the VPN, the Movement for Democratic Slovakia (HZDS), to strengthen its nationalist stance, since it was now competing against two nominally separatist parties. Initially, the VPN's objective reflected that of the Slovak electorate: the creation of a bi-national federation, founded on a constitutional treaty that established equality between the constituent nations and provided them with extensive autonomy, especially in industrial and taxation policy. But the party leader, Vladimir Mečiar, quickly emphasized the party's nationalist credentials and mimicked the KDH in switching to a vaguely confederal solution. As Zac (1995: 259) writes, "[he] quickly became involved in the game of 'Wait, I'll show you who is a better Slovak.' " Surveys in Slovakia suggest that the constitutional identity of Slovaks was highly fragmented – a majority favored some form of common state with the Czechs but differed regarding its form (Musil 1995: 183; Wolchik 1994: 77). Nevertheless, electoral politics in this regionally segmented party system produced a radicalization on the territorial issue dimension. This became visible during the campaign for the June 1992 election, in which Mečiar demanded an independent legal status for Slovakia, the superiority of Slovak laws over federal laws, the election of a separate Slovak president, and the creation of a Slovak Central Bank and independent civil service (Hilde 1999: 658).

There was little that could be done from the Czech side to contain this radicalization. As the engines driving state construction during the interwar period, the Czech parties always identified more closely with the Czechoslovak federation, which was often perceived to be an extension of the Czech state and culture. They therefore displayed a much more centralist disposition. The cardinal aim of OV was to uphold the primacy of the federation, "basing the relations of the two nations on the respective powers of the two republics" and to retain an important degree of centralization, in particular in the formulation of economic policy (Wheaton and Kavan 1992: 178). This centralization of authority was also seen as a key element in undertaking the transition to a market economy (Wightman 1990).

However, there was little reason for Czech parties to moderate the nationalist rhetoric emanating from Slovakia. The bifurcation of the party system meant that there was no strategic incentive to entice Slovak voters and accommodate the demands of Slovak parties for significant territorial reform. Moreover, there was little historic tradition of territorial accommodation in the ideology of Czech parties that could render such a strategy credible. Among the five Czech-based statewide parties that dominated politics and drove the process of state construction during the First Republic (1918–1938), the only two that displayed any sympathy for Slovak nationalism were the centrist Agrarian and Populist parties, which developed ideological affinity with the rural and Catholic overtones of Slovak nationalism. They encouraged the co-optation of the Slovak Nationalist Party in central government in 1925 in order to soften its separatist stance, and devolved a modest degree of administrative autonomy (Leff 1988:

79). Thus, the only precedent of accommodation in the history of Czechoslovakia was limited to a single instance of administrative decentralization – rather than political autonomy. Moreover, it was undertaken by select statewide parties representing centrist political ideologies, which had no successor in the post-communist party system. Thus, in the early 1990s, there was no political organization that could simultaneously give expression to a Czechoslovak identity and reconcile divergent preferences for the reconfiguration of state structures.

The differences in the attitudes of Czech and Slovak parties became all the more evident in the parliamentary and governmental arenas, where the "ethno-federal" parliamentary system and consociational devices inherited from the 1968 Constitution enabled the Slovak parties to set the agenda, putting them on a collision course with their Czech counterparts. The federal assembly instituted territoriality through the upper "Chamber of Nations," which represented the two national groups on parity basis (75 seats each). Constitutional reform required the consent of each ethnic group, as the decision rule established a threshold in both chambers: three-fifths of *all* members of the lower Chamber of People and a majority of each section in the Chamber of Nations (Lijphart 1992). These measures were largely dormant under the Communist Party, but their activation provided the tools for each national group to wield a veto over constitutional reform. As Jon Elster (1994: 12) put it, the communist constitution may be "a unique example of a text that came to life only after death – after the abolition of the regime whose affairs it was supposed to regulate."

This institutional legacy played an important role in shaping outcomes. First, it endowed Slovak parties with agenda-setting influence: the over-representation of Slovakia in the Chamber of Nations, where the HZDS had obtained 33 seats, and the requirement of a three-fifths majority in each national group endowed the party with a "national veto" over the new constitution (Henderson 1995: 121). Second, given that they were the largest parties in their respective party systems and that they constituted an absolute majority in both chambers, the positions of OV and HZDS on the territorial issue would have to be reconciled in order for the parties to form a governmental coalition. The federal government was formed shortly after the election, but its program attempted to transcend partisan divisions by stating that strong republics meant a strong federation: if republics were powerful, there would be little room for inter-governmental conflict and thus the federation would be strengthened (Zac 1995: 253). The parties still needed to reach an agreement on the details of the Constitution. Inter-party negotiations were initially held in the federal assembly.

The institutions inherited from the communist regime thus shaped the strategic incentives of Slovak parties to compete on the territorial issue dimension, creating a centrifugal dynamic that could not be contained, given the absence of statewide party organizations featuring a genuine tradition of territorial accommodation.

Partisan bargaining: constitutional politics and settlements

Spain

The range of available options for the territorial accommodation of ethnic groups was set by the partisan composition of the Spanish constituent assembly. Having failed to win an absolute majority, Prime Minister Adolfo Suárez chose to open up participation in the constituent assembly in order to encourage a cross-partisan consensus on the new constitutional settlement. Technically, this was not necessary, since the LPR stipulated that organic laws of this nature only required an absolute majority. However, the pressures exercised by parliamentary opposition and the considerable uncertainty surrounding the trajectory of democratization induced the perception that the constituent assembly needed to be as inclusive as possible in order to enhance the prospects for democratic consolidation.[4] As a consequence, a majority of the members represented in the constitutional committees sanctioned a modification of the decision rule for the elaboration of the draft Constitution.[5]

This provided all parties with the opportunity to leave their imprint on the design of Spain's territorial organization. However, if nationalist parties had achieved representation in the constituent assembly, they did not wield a formal veto power over the outcome, since only a majority of parties was required for the approval of the draft during the different stages of its formulation. This meant that the extent of their influence was ultimately circumscribed by the preferences of other parties, in particular the parties with the most important representation, namely the PSOE and the UCD. Figure 4.2 shows that, given the location of the status quo – a highly centralized state – and the preferences of these parties for a regionalized state and federation, a partisan agreement on change in a decentralist direction that would be agreeable to nationalist parties was certainly feasible. However, given the polarization of positions and the deeply contested nature of issues subject to negotiation, moving toward a decentralized state was, as Suárez's chief of cabinet Alberto Aza put it: "like being pushed and pulled by several currents flowing in different directions" (Aza 2000: 33).

In spite of the fact that consensus was a term largely absent from Spanish political culture, political parties nevertheless renovated the "consociational" approach to the transition – the *ruptura pactada* – in order to arrive at an acceptable solution. They adopted a decision style that focused on the resolution of

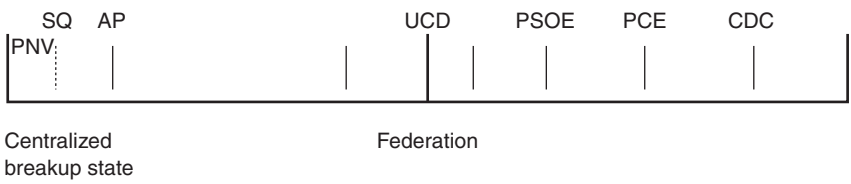

Figure 4.2 Distribution of partisan positions in Spain.

collective problems, the maintenance of solidarity and consensual relations, and the willingness to engage in a log-rolling process across issue areas.

The relative clout of the CDC and PNV was determined in the first instance by their numerical presence in each phase of the drafting process. The CDC representative, Miquel Roca, was present in all four decision-making bodies, including the congressional subcommittee, and was thus given the opportunity to influence the process in each of its critical phases. Due to its smaller parliamentary representation, however, the PNV was present only in the Congressional and Senate committees and delegated the defense of its interests in the congressional subcommittee to Miquel Roca (Bonnemine-Blanc 1987: 48). In these committees, their influence was also shaped by their capacity to place demands in a zone of political acceptability bounded by the ideologies of the PSOE and UCD and by their willingness to accept the inevitable *quid pro quo*s in such negotiations.

The first issue up for negotiation concerned the acknowledgment of the plurinational composition of Spanish society in the constitution. Roca pushed for the term "nationality" to be included in Art. 2, since it would offer symbolic recognition of the distinctiveness of the historic nationalities of Catalonia, the Basque Country, and Galicia. This initiative received the backing of the PCE delegate Jordi Sole-Tura and the PSOE delegate Peces-Barba, who also distinguished nationalities from regions and underlined each entity's right to territorial autonomy (Peces-Barba 1978: 12; Sole-Tura 1985: 93). However, nationalist and center-left parties faced vociferous opposition from the AP delegate Manuel Fraga, who argued that the terminology would open the door to separatism. As the numerically largest party and the linchpin of the negotiations, the UCD could not however accept removing the term lest it alienate Catalans and Basques from the process and be interpreted as a sign that the UCD had willfully burned its bridges with the left (Colomer 1995: 95). Thus, modifications were made in which the term "nationality" became surrounded by other phrases that diminished its symbolism, such as the addition of the "indissoluble unity of the Spanish nation" and "common and indivisible Fatherland." The founding article thus recognized both the plurinational and indivisible character of Spain, giving satisfaction to both the nationalists and the centralists.[6]

Similar compromises were reached on the second main issue, the territorial organization of the state. The CDC emphasized the importance of providing a maximum and differentiated degree of territorial autonomy to the historic nationalities in recognition of the *hecho diferencial*, the set of cultural, linguistic, and historic differences that distinguished historic and non-historic regions (Aja 1999). The PNV went further and demanded the constitutionalization of the Foral Pact, which presented Basque territorial autonomy as a historic pact between the Spanish state and the Basque country and provided juridical recognition of the Basque country's original sovereignty (PNV 1979). In contrast, the PCE and PSOE adopted a clear federalist perspective that entailed a generalization of the autonomous institutions across the Spanish territory. The UCD also favored a symmetrically regionalized state and encouraged the formation of

"pre-autonomies" in other regions in order to prevent the nationalities from obtaining preferential treatment (Hopkin 1999: 67). The AP maintained a hard line against the process of decentralization toward regions. All four mainstream parties shared a comparably Jacobin concept of the state as based on the indivisible sovereignty of the Spanish people.

It was on this issue that the variable willingness of the CDC and PNV to engage in the bargaining process resulted in their contrasting ability to influence the details of the settlement. Roca played upon the volatile relations between the PSOE and UCD, and engaged in log-rolling with the UCD, to which it was ideologically closest on the left–right dimension, by supporting the latter's position in matters of state and religious education in return for support for its own territorial demands (Gallego-Diaz and de la Cuadra 1989: 37). The compromise that emerged involved the CDC's approval of the generalized decentralization of authority promoted by the PCE, PSOE, and the UCD, in exchange for their acceptance that the historic nationalities would be granted faster access to a higher degree of autonomy than other regions. This led to the creation of a hybrid territorial formula drawing from unitary and federal models, with elements of temporal and geographical asymmetry that had been categorized as a quasi-federal *regionalizable* state (Aja 1999).[7]

In contrast, the PNV was unsuccessful in realizing its objectives. Its behavior was uncongenial to the forging of an agreement because it steadfastly opposed mainstream parties' main preference for the generalization of territorial autonomy and the central government's power to harmonize powers across Autonomous Communities (ACs). Conversely, the recognition of Basque sovereignty was utterly unpalatable to mainstream parties, who felt that the recognition of the Basque country's historic rights had been satisfied with the creation of a dual path to autonomy and a new fiscal system, which gave a maximum degree of autonomy under the Foral regime to the Basque Country and Navarre, while providing an alternative common regime that applied to all remaining ACs (Gallego-Diaz and De La Cuarda 1989: 148–150). Thus, the presence of symmetric preference intensities between the PNV and mainstream parties on the issues of sovereignty and their mutual intransigence meant that it was impossible to bridge their positions. In the end, the constitutionalization of the Foral Pact was rejected and the PNV's main objective was reduced to an additional disposition of the Constitution.

Thus was born the State of Autonomies with a constitution that recognized the existence of distinct nationalities but identified the Spanish people as the fount of sovereignty and that created regional governments across the Spanish territory, albeit with differentiated processes for attaining autonomy. This settlement received undeniable popular support – with a turnout of 67 percent, 88 percent of voters supported the text, indicating that the partisan actors steering the transition had found a successful way of accommodating ethnic groups.

Czechoslovakia

The decision rule for approving the new Constitution in Czechoslovakia established a demanding threshold, since the "ethno-federal" institutions furnished the Czech and Slovak sections of the upper chamber with formal veto power. The effect of this legacy was compounded by the decision of the Federal assembly to pass an amendment in December 1990 formalizing the power of national councils to ratify the new federal constitution (Stanger 1996). This adjustment was critical in shaping the number and identity of the veto players involved in the negotiations, since the main participants became not just the leaders of the parliamentary groups in the federal assembly, but also the prime ministers of the national councils, sent as regional ambassadors to bargain with their counterpart and the federal prime minister. As the Czech Prime Minister Pithart stated, "anything we agree on must be agreed upon by all three prime ministers" (quoted in Leff 1999: 266).

The feasibility of reaching an agreement that met the goals of Czech and Slovak parties was limited by the relative distance of their positions from the status quo and from each other. The Czechoslovak federation that emerged from communism was a (formally) decentralized polity, where regional governments were assigned autonomy over a range of distributive and allocation policy areas and representation in the federal assembly. The only limitation on the effective use of this autonomy, which ensured consistent regional policies, was the monolithic rule of the Communist Party.

As Figure 4.3 shows, the location of the status quo was close to the preferences of OV, whose ideology favored maintaining the sovereignty and existing powers of the federation. In contrast, the HZDS was situated at the other end of the spectrum, in favor of a maximalist reform that would have established a loose confederation. The alternatives to reaching an agreement (i.e., the status quo or independence) were closer to their respective ideal points and thus ultimately constituted more attractive options. The difficulty of bridging the position of Czechs and Slovak parties was exacerbated by the confrontational decision style adopted during the negotiations and by the zero-sum nature of the calculations underlying the bargaining process. The absence of a spirit of federal loyalty that may have encouraged Czech and Slovak parties to focus on maintaining solidarity and solving common problems paved the way for an escalation of recriminations and made the alternative to non-agreement – state breakup – increasingly attractive and likely.

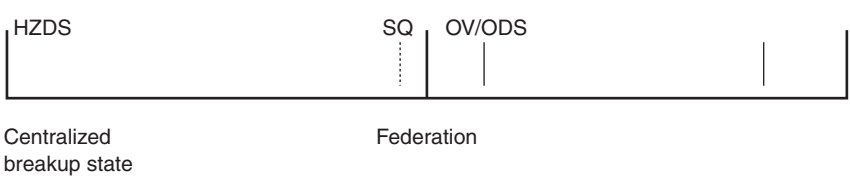

Figure 4.3 Distribution of partisan positions in Czechoslovakia.

The first matter dealt with a symbolic question, namely the location of sovereignty. From the outset, Slovak parties wanted to establish parity between the two constituent nations, to counteract the inferiority complex that had been born out of decades of economic underdevelopment and Czech political domination. The position of the HZDS was that Slovakia was the bearer of original sovereignty, and thus that the republics should define the powers of the federation. Art. 1 of the 1968 Constitution, which proclaimed the sovereignty of the constituent nations and promulgated the existence of republic-level constitutions, underpinned this belief.[8] Moreover, the HZDS believed that the Czechs implicitly accepted these provisions when they adhered to the principle of legal continuity and endorsed the existing framework until the new constitution could be ratified. In addition, the legitimacy of republican-level institutions had been assured with the holding of regional elections.

But this demand engendered what Innes (1997) refers to as "phantom nationalism" – the tendency of political actors to score political points by defending their respective republics and portraying one another as separatists. With their formal veto power, it became quickly apparent that Slovak parties could hold the Czechs to ransom if their demands were not met. But the OV rejected the Slovak model of the two-member federation built "from below," claiming that it was only possible to speak of the federative nature of the state if the authority of both national republics was based on the authority of the federation (Zac 1995: 256). When the OV rejected the Slovak plan in the autumn of 1990, Mečiar threatened in return that federal laws would be subordinated to those of the Slovak council. The Czech council reacted by requesting contingency plans for splitting the country. This brinkmanship evoked a feeling in Slovakia that the Czechs wanted to break up the federation while, in the Czech lands, Mečiar was depicted as a successful blackmailer (Elster 1994: 18). This confrontational behavior generated bitter conflict over the hierarchy of the constitutions and the sequence of their ratification: Slovak parties wished to ratify their republican constitution before the federal constitution in order to establish its superiority, while this demand was unacceptable to the Czech parties. In February 1991, however, both parties finally agreed on a compromise: the federal constitution would be approved before the agreement on state arrangements, while national councils gained the power to ratify the federal constitution.

This conflict spilled over into the question of competence assignment. In this matter, the overlap between the issues of decentralization and economic reform, the liberal orientation of Czech parties and the socialist orientation of Slovak parties, and the presence of symmetric preference intensities among the negotiators rendered unlikely the achievement of an accord. In July and August 1990, OV and PNV reached an agreement on decentralization that transferred authority to the republics in the regulation of economic sectors, such as agriculture, mining, and industry, as well as in the control of budgets transferred from the central government. This issue receded until the consequences of economic reforms designed to encourage the transition to a market economy began to be felt. The existence of sizable industrial districts in Slovakia and the socialist

orientation of most of the region's parties produced a great deal of opposition to the Federal government's reforms. The suffering of the Slovak economy stirred tensions with Prague and generated pressures for the decentralization of economic policy (Musil 1992: 186). Thus, the question of control over the direction of economic policy reinforced the existing territorial cleavage.

Following the election of the center-right Civic Democratic Party (*Obcanska Demokraticka Strana*, ODS), led by Václáv Klaus, the Czech council was committed to undertaking a rapid reform of the country's economic base – establishing a strong system of property rights, reinforcing financial and legal institutions, increasing the level of foreign direct investment, encouraging the formation of small and medium-sized private enterprises – imperatives which required the maintenance of macro-economic policy at the center. Klaus staked his mandate on his free-market beliefs, and his future political prospects were conditional upon his capacity to improve the economy's performance. The fear expressed by the Slovak parties was that if economic policy was left at the center, it would be conducted along lines that were inimical to Slovak interests; decentralization was thus a way for them to ensure that reforms would be implemented in a gradual way. The Slovak parties thus proposed a confederal union, in which monetary policy was centralized while fiscal policy was decentralized. But this was unacceptable to the Czech parties, since the maintenance of a stable currency union required a minimal degree of fiscal coordination.

The response of the Czech parties is decisive for understanding the constitutional settlement that was eventually reached (Hilde 1999). Although he remained centralist in attitude, Klaus felt that the intransigence of the Slovak parties and the deadlock over decentralization and the direction of market reform was holding hostage the urgent process of economic restructuring and threatening the economic potential of the whole federation. He therefore began to contemplate the idea that a split would be preferable to the continued impasse. Similarly, the Slovak parties were resolutely attached to the confederal model in which they would be able to secure the welfare of their constituents and also preferred to organize the dissolution of the state than to be subjected to the imposition of economic policy from Prague. The ODS and HZDS were incapable of finding a zone of agreement on their ideal preferences for a "functioning federation" and a confederation, and so converged on their shared second preference for an orderly separation. When Klaus issued an ultimatum for the creation of a "functioning federation" or separation in July 1992, the Slovak National Council responded by adopting a new constitution and declaring sovereignty. The attempts of the Czech center-left opposition to find common ground with Slovaks and President Havel's calls for a referendum were suppressed, and the ODS and HZDS negotiated a formal agreement to dissolve Czechoslovakia in November 1992.

Thus, in Czechoslovakia, the distance between the relative positions of Czech and Slovak parties, the overlap between the left–right and economic cleavage, and the presence of symmetric preference intensities compounded their intransigent and confrontational style, and resulted in the breakup of the Czechoslovak federation.

Comparative analysis

The preceding case-oriented analysis reveals how the different attitudes of partisan actors in Spain and Czechoslovakia shaped the divergent political outcomes observed in the two countries. We can further appreciate the influence of attitudes and their determinants by shifting to a comparative, variable-oriented analysis, the main parameters of which are presented in Table 4.1.

The attitudes of political parties are shaped by the interaction between their strategic interests and ideological beliefs, factors that are, in turn, influenced by the legacies of institutions and past practices of managing ethnic and territorial diversity. In both countries, *strategic interests* were informed by the interaction between "inherited" institutions and the contingent properties of the founding elections. In Spain, the "strong" PR electoral system and the rules regulating executive–legislative relations that were established by the Franquist regime interacted with the highly competitive founding elections, engendering an "imperfect" and territorially fragmented two-party system that enabled the CDC and PNV to set the agenda. The nationalist parties exerted pressures upon the PSOE and PCE in the electoral arena and upon the UCD in the parliamentary arena, where their pivotal position at the center of the party system strengthened their bargaining power. The PSOE and UCD thus had strong incentives to accommodate nationalist demands. However, given the statewide electoral support of these mainstream parties, especially in regions with weak identities whose citizens identified with the central Spanish state, the PSOE and UCD also needed to temper the degree to which they could accommodate these demands.

Similarly in Czechoslovakia, the "ethno-federal" Constitution preserved from the communist era also underpinned the capacity of the Slovak nationalists to set the agenda. The influence of these institutions on the strategic interests of political parties operated in two ways. In the first instance, it encouraged parties to mobilize and compete on a national basis, producing a bifurcation of the party system along territorial lines and the establishment of two separate arenas of competition. Second, this incited parties to focus exclusively on defending the interests and preferences of their respective national constituents and created the incentive for parties in Slovakia to "outbid" each other on the territorial issue dimension, inducing a centrifugal pattern of competition. The fragmentation of the regional party system and its centrifugal mechanics were also facilitated by the "weak" PR electoral system. However, in contrast to Spain there were no statewide parties in Czechoslovakia that could contain this centrifugal pull by garnering electoral support across the country, allowing them to accommodate Slovak nationalist claims and simultaneously reconcile these claims with the constitutional preferences of other constituencies.

A second point of contrast resides in the *ideological beliefs* of parties. Tackling the "Regional Question" and the "Slovak Question" was not unique to the period of democratization under study in this chapter, and past experiences of territorial accommodation provide important clues for explaining the attitudes of parties. What distinguishes Czechoslovakia from Spain is the absence of any

Table 4.1 Comparative analysis of Spain and Czechoslovakia

	Agenda-setting		*Partisan bargaining*			*Constitutional settlement*
	Strategic interests	*Ideological beliefs*	*Decision rule*	*Ideological distance*	*Decision style*	
Spain	Strong PR electoral system + competitive founding elections + statewide party organizations create incentive to accommodate ethnic groups, but also defend center	Strong tradition of territorial accommodation during the Second Republic, especially among center left and centrist mainstream parties	Informal consensus: broadening of partisan participation to regionalist parties, but no formal veto	High polarization (AP and PNV), mainstream parties favor moving away from status quo towards regionalization, consensus around federation	Problem-solving, commitment to federal process: Asymmetric preference intensities and log-rolling across issues (for CDC, not PNV)	Hybrid territorial formula: quasi federal, regionalizable state
Czechoslovakia	Weak PR system + bifurcated party system generate centrifugal competition with no incentive to accommodate ethnic groups and defend center	Weak tradition of territorial accommodation among parties of post-communist party system	Formal consensus: ethno-federal and consociational measures give Czech and Slovak parties formal veto	High polarization (ODS and HZDS), ideal points of parties closer to status quo and breakup options than to compromise position, convergence around separation	Confrontation, not commitment to federal process: overlap left–right and territorial issue, symmetric preference intensities, no log-rolling across issues	Separation/breakup

genuine tradition of accommodating ethnic groups with measures of territorial autonomy. The 1968 Constitution created an "ethno-federal" political structure, but it was a purely symbolic mechanism devised by a highly centralized and hierarchical Communist Party. The only instance of accommodation under a democratic regime was the administrative reforms that took place in the late 1920s, when the national government co-opted the Slovak National Party. But these concessions were largely cosmetic and did not meet the latter's demands for territorial autonomy. Moreover, the only parties with this historic tradition of accommodation – the Agrarian and Czechoslovak Populist parties – lacked successors in the post-communist party system, which being bifurcated along national lines was thus bereft of any partisan actor that could both accommodate nationalist claims and preserve state unity. The Czech parties, the OV and ODS, did identify with the Czechoslovak state and wished to protect the federal center, much like the PSOE and UCD. But the ODS was a center-right Czech nationalist party concerned primarily with class-based issues which had little patience for Slovak nationalism, and was supportive of the Czechoslovak federation only insofar as it did not threaten the country's economic interests.

Conversely, Spain's previous attempt to accommodate regional nationalism through the elaboration of regional Statutes of Autonomy during the Second Republic provided a crucial referent for mainstream and nationalist parties to resurrect in the late 1970s. To be sure, the legitimacy of this model varied across mainstream party families: it was endorsed more by center-left and centrist parties than by the conservative right. Nevertheless, the presence of this tradition meant that when confronted with the incentive to respond to nationalist demands, the largest mainstream parties – the PSOE and the UCD – had a precedent that could render credible their accommodating strategies. Thus, the historic tradition of territorial accommodation goes a long way to understanding the attitudes of parties.

How partisan attitudes then influenced the final constitutional settlement is evident from their interaction during the bargaining process. The decision rule played an important role in giving clout to nationalist parties: in Spain, the broadening of participation in the negotiations enabled the preferences of nationalist parties to find their way in the new constitution; in Czechoslovakia, it was the role assigned to the upper chamber and regional councils that gave Slovak parties the opportunity to influence outcomes. The main difference between the two countries was that the CDC and PNV did not have a formal veto; rather, they were incorporated into the bargaining process following an ad hoc deployment of informal consensus measures. Crucially, they could neither halt the process nor block the outcome. By contrast, in Czechoslovakia the formal consent of the Slovak parties was a necessary condition for an agreement, meaning that their preferences could not be ignored. In addition, the move to involve republican councils heightened the difficulty of forging an accord because it introduced an additional veto point. Thus, while the consensus-based arrangements were critical in giving voice to the nationalist perspective in both countries, parties' variable influence was decisively shaped by the different

decision rules. The net consequence was that the degree of polarization in Spain did not translate into the constitutional deadlock found in Czechoslovakia.

When the partisan veto players were in place, the feasibility of agreeing to a new territorial organization and the content of the territorial reform were shaped by the relative distance of their position from the status quo and from each other by the presence of symmetric preference intensities and by the style of decision-making adopted. There were two important differences between Spain and Czechoslovakia that had a profound effect on constitutional negotiations. The first was that while the party systems of both countries were highly polarized on the territorial dimension, in Spain, a majority of parties favored moving away from the status quo and toward regionalization, facilitating the emergence of an agreement, which could include nationalist parties, around the option of federation. In Czechoslovakia by contrast, there was no such consensus on the direction and extent of change, since Czech parties' ideal point was closer to the status quo, while Slovak parties' ideal point was closer to the option of breakup. This meant that while there was some effort to bridge differences and reach an agreement, the advent of deadlock meant that parties chose to reprioritize their preferences and converge on the decision of separating.

The second difference was visible in the style of decision-making and, in particular, in the degree of commitment to a federal *process*, what Dorff (1994) defines as federal loyalty, which entails a willingness on behalf of partisan actors to accept the claims of their counterpart and a readiness to strive to reach mutually acceptable compromises. There are two components that affect the existence of a federal process: the types of claims that parties put forth and their willingness to negotiate and make concessions. This was evident across the two main issues that were salient during the negotiations: the location of sovereignty and the assignment of competences.[9] In Spain, mainstream parties rejected the PNV's demands, given their intense commitment to enshrining the sovereignty of the Spanish people in the constitution; the PNV certainly did nothing to advance its cause when it reluctantly engaged in the bargaining process and refused to countenance the demands of the PSOE and UCD for a symmetrically decentralized state. By contrast, by focusing on moderate but nonetheless highly symbolic demands and constructively engaging in the log-rolling process, the Catalan CDC was able to obtain the concessions it sought. The mainstream parties that forged the core of the emerging consensus were determined to maintain the territorial integrity of the Spanish state and establish a symmetrical federal order but, equally, given their concern for achieving as wide a consensus as possible, they were willing to accommodate the demands of the CDC.

These ingredients were missing in the case of Czechoslovakia: partisan actors did not exhibit the overarching sense of loyalty toward the unity of the federal state necessary for accommodating each other's claims. Amid the bitter recriminations engendered by the confrontational decision style, Czech and Slovak parties solved the dispute about the location of sovereignty by involving regional councils in the drafting of the federal constitution, which was nevertheless ratified before the regional charters. Czech parties thus eventually yielded to the

Slovak perspective. However, once the issue of control over economic reform emerged, the transition to a market economy became relevant to constitutional bargaining, as the attitudes of the Czech parties toward the Slovaks changed fundamentally. Differences on the left–right dimension reinforced territorial cleavage, creating highly symmetric preference intensities and the hardening and polarization of positions on the constitutional issue. This prompted a reordering of institutional options among the negotiators, placing that of separation higher than any concession over the control of economic policy. What explains the dissolution of Czechoslovakia was thus not so much that the federal center lost the initiative (cf. Leff 1999), as the fact that the political forces defending the federal center lost patience, grew weary of trying to arrive at mutually acceptable compromises, and preferred to dissolve the union than to call a halt to the restructuring of the economy. The absence of a federal loyalty to offset the centrifugal drive of the negotiations proved to be fatal.

Conclusion

This comparative analysis of democratization and ethnic communities in Spain and Czechoslovakia demonstrates that the attitude of political parties during the critical juncture of the democratic transition is the most proximate variable for explaining the divergent political outcomes observed in the two countries. Given that political parties are the main actors that steer the process of democratization and negotiate the constitutional agreements designed to deal with ethnic diversity and reform the territorial organization of the state, understanding their mindset is crucial to explaining the variable treatment of ethnic groups under democratizing regimes. Ultimately, party attitudes were crucial in shaping outcomes during the bargaining phase, as they determined the feasibility and the content of constitutional settlements.

The main contributions of this chapter consist in demonstrating a number of issues. First, the attitudes of key political parties toward relevant constitutional outcomes are shaped by the interaction between *strategic interests* and *ideological beliefs*. Second, relevant interests and ideological beliefs are influenced by the inherited legacies, including institutional arrangements that define party distribution of power in different arenas and pre-transition practices of accommodation. Significantly, strategic interests of political parties are shaped by how the territorial cleavage is institutionalized in the party system and the party distribution in the constitutive assembly. Foundational elections are of the utmost importance here in determining these two aspects, and hence the overall outcome of the constitutional settlement.

Thus, this chapter shares the conclusion of other chapters in this volume that legacies and contingency matter for ethnic group relations during the process of democratization. Yet it adds that we should also examine how the rules of founding elections are established and affect the ability of regionalist-nationalist parties to set the agenda, the incentives for mainstream parties to accommodate their demands, and the bargaining power of different partisan actors during the

negotiations. Ultimately, founding elections play an important role in shaping the partisan distribution of power, and thus the range of institutional options available and the discrete choices that are reached.

Notes

1 The Foral regime comprises the set of customary laws, political privileges, fiscal and economic exemptions and institutions of representative government which the Basque provinces had enjoyed in their relationship with the Spanish Crown since the fifteenth century. It was abrogated in 1876 following the Third Carlist war, largely under the compulsion of Basque urban elites which were dissatisfied with the functioning of the General Assemblies, in which rural municipalities held a disproportionate influence, and with the customs union, which cut off Basque industry from the Spanish market (Heiberg 1982: 360–363).

2 The electoral law established (1) the principle of proportional representation using the d'Hondt highest average formula; (2) a small lower chamber of 350 seats distributed over 52 single-tier districts; (3) the allocation of a minimum of two seats per district, with the remainder being determined by population; (4) a 3 percent legal threshold at the district level, and (5) the existence of blocked and closed party lists.

3 The electoral law established (1) a list PR system using the Hare largest remainder formula; (2) a small lower chamber of 150 seats distributed over 12 single-tier constituencies, and (3) a 5 percent legal threshold at the regional level.

4 At the basis of this apprehension were the twin pressures exercised by the armed forces and the escalating threat of Basque terrorism, as well as the collective memory of the experiences of the 1930s and the Civil War, which taught actors to avoid majoritarian principles in reaching decisions about constitutional arrangements.

5 There were four technical phases to the process, each characterized by the prominent role of a particular committee: the congressional subcommittee, the congressional committee, the senate committee, and the joint committee. The first subcommittee was the most decisive, since it set the agenda of issues to be discussed in the committees of the congress. The congress and senate constitutional affairs committee had the power to amend preliminary drafts while the joint committee had the power to decide which text would prevail in case of substantive conflict.

6 It is important nevertheless not to underestimate the principle of unity emanating from Article 1.1, according to which "national sovereignty resides in the Spanish people." Constituent power thus remains clearly unitary.

7 This was achieved by outlining two processes through which two different degrees of autonomy could be attained by different types of constituent units. The historic nationalities would follow the route specified in Article 151, which provides for an immediate route to a higher degree of autonomy, while the ordinary regions would follow Article 143, which foresees only a gradual accession to autonomy.

8 It is important to note however that the Law on Federations proclaims the *suverenita* of the constituent nations, a term that applies to the Czech or Slovak republic vis-à-vis the other in constitutional law, but which is distinct from the term *svrchovanost*, which refers to sovereignty in international law (see Stanger 1996: 41).

9 Thus, the pre-existence of "ethno-federal" structures does not appear to have been a significant institutional determinant of the sovereignty claims of nationalist parties; even in the absence of a separate regional basis of legitimacy and the direct involvement of regional bodies in the constituent process, the PNV conjured similar claims to the HZDS regarding the bilateral nature of the relationship between the minority nationality and the political center.

5 Democratization and ethnic violence in Kenya

Electoral cycles and shifting identities

Gabrielle Lynch and David M. Anderson

Kenya's contested General Election of 27 December 2007 was followed by an unprecedented level of violence that led to the death of over 1,000 and the displacement of almost 700,000 people within two months. The epicentre was the Rift Valley Province – home of the former "White Highlands" – where over half of the casualties and 62 per cent of displacement occurred (Lynch 2009). The speed with which this seemingly peaceful country began to burn, and the level of inter-communal hatred displayed, shocked many Kenyans and observers. However, Kenya's reputation of calm hid a more disturbing reality in which political contests, local land or border disputes, and localized displacements have frequently been marked by violence (Branch 2011). The most notable precursor was the "ethnic clashes" of 1991 to 1993, when around 1,500 people were killed and 300,000 displaced in and around Rift Valley Province (Africa Watch 1993: 1). However, over the two years prior to the elections of 2007, Mount Elgon on the Kenya–Uganda border also suffered from high levels of violence resulting in over 600 deaths.

Mount Elgon provides an excellent (if extreme) example of the way in which the return to multi-party politics in Africa has galvanized and strengthened debates around ethnic citizenship, belonging and autochthony (Ceuppens and Geschiere 2005; Geschiere and Jackson 2006; Geschiere 2009). Violence has been used on Mount Elgon to assert rights to the ownership and political control of territory, with political actors and their followers manipulating ethnic signifiers and historical narratives to justify their actions. Over time, local disputes here shifted from a conflict between Sabaot (a subgroup of the larger Kalenjin) and Bukusu (a subgroup of the larger Luhya) to one between Sabaot-speakers. The Kenya media came to view this internecine Sabaot struggle as a conflict between two clans – *Mosop* and *Soy* – but it will become clear that *Mosop* and *Soy* are not clans. Furthermore, members of the Bok subgroup of the larger Sabaot alliance (or *Soy*) emerged as both the principal perpetrators and the victims. This is not, then, a classic "ethnic conflict" but something more nuanced. In the process of this struggle, narratives of ethnic citizenship of belonging have become increasingly unstable and localized. Land disputes lie at the heart of the conflict, pre-dating the transitional politics of the 1990s. In a situation where the state has not enforced the rule of law, democratic processes have fuelled violence, as

communities have resorted to undemocratic methods to "protect" their perceived interests against those whom they believed would exploit or exclude them, politicians have sought to mobilize ethnic support bases, and local terror and criminal expropriation have contributed to an escalation of the violence. Democratic electoral politics is *not the cause* of this violence, but multi-party elections have become a recurrent catalyst.

Two important lessons emerge from this case. First, in line with Daniel Posner's (2007) findings, the shift from a single-party to a multi-party system and other institutional changes (for example, the redrawing of district boundaries) have altered the identity cleavages around which political mobilization revolves. Going beyond Posner, however, while the identity referent may change, the issues of contention may not. In the case of Mount Elgon, the historically contentious questions of landownership and belonging remain core issues over which groups mobilize. Elections have become the means by which to advance land interests: concomitantly, land and ethnic identities have become tools in the hands of political elites. Second, elections have not reduced violence here but merely redirected it. When the issues are as emotionally intense as the politics of belonging and rights to land, and when elections are introduced without additional institutions to support a functioning democracy, election periods become vulnerable to inter-group violence.

Local histories of contestation and political violence

The parameters of recent conflict on the mountain began to take shape in 1993, when Mount Elgon District was hived off from the larger Bungoma District following the "ethnic clashes" of 1991 to 1993 (Oucho 2002). Yet, a local political culture characterized by debates about ethnic citizenship or autochthony and marked by violence dates back to the late colonial period. Up until 1993, these local disputes had largely pitted Sabaot against their Bukusu neighbours. The term "Sabaot" was introduced in the mid-twentieth century to refer collectively to a number of linguistically and culturally similar communities; namely the Kony, Bok and Bongomek in Kenya, and Sebei in Uganda (Fedders and Salvadori 1979: 55).[1] For Sabaot, the creation of this inclusive identifier was motivated by a belief that subgroups had been excluded and harassed by their Luhya neighbours and needed to protect their collective interests. They also hoped that the creation of a separate administrative area would improve their situation, while a popular narrative of forced removal from the rightful ownership to grazing pastures in Trans Nzoia, to which the Luhya also laid claim, reinforced the perceived importance of Sabaot political unity (Lynch 2011c; Anderson 2013).

This sense of ethnic difference and communal injustice soon fed into electoral politics. In 1963, the leading Sabaot politician Daniel Moss stood on a West Kalenjin Congress (WKC) ticket against a Luhya Kenya African Democratic Union (KADU) candidate. Prior to the election tensions rose, and a number of houses owned by suspected KADU supporters were burnt down and livestock

stolen (Kakai 2000: 148–149). Violent clashes erupted following the election and within two weeks 142 houses had been burnt down, over 200 heads of cattle had been stolen or slaughtered, and property and crops destroyed. Sabaot claimed "that they had been provoked by the Bukusu who … intended to suppress them and rob them of their land" (*Daily Nation*, 7 September 1963). In contrast, intelligence reports suggested that Sabaot supporters of the Kenya African National Union (KANU)-aligned WKC had sought "to expel KADU supporting Bukusu tribesmen from parts of the district as a result of the proposal that a portion of the adjoining Trans Nzoia District including Kitale Township should be transferred from the Rift Valley Region to the Western Region".[2] A more recent account suggests that the conflict erupted around disagreement over the nomination of parliamentary candidates on the basis of their ethnicity (Masinjila and Okombo 1998: 69–71). The "critical juncture" (Bertrand 2004) in this dispute was thus exploited by the WKC to mobilize support and demonize the KADU candidate. Violence was used as a pre-election strategy to disrupt local campaigns and then to affect voting, and later to evict Bukusu from good agricultural land on the mountain's slopes.

These tensions continued to colour local politics into the postcolonial period, as evidenced by repeated calls by Sabaot for a separate district (granted in 1993), "ethnic clashes" of the early 1990s, and targeted attacks on Bukusu in Trans Nzoia in early 2008. "Ethnic clashes" of the early 1990s were promoted across the Rift Valley and parts of Western Province by advocates of President Moi's "KANU zone" politics in response to calls for, and then return to, multi-party politics (Klopp 2001; Lynch 2011b; Oucho 2002; Anderson 2013). On Mount Elgon, this mobilization for violence included the local Member of Parliament (MP) Wilberforce Kisiero, local councillors, and other prominent Sabaot who "were instrumental in bringing ill feeling towards the non-Sabaot and were indeed advocating their removal from Mt Elgon" (Kenya 1992: 37). The local MP came under particularly heavy fire, as witnesses accused him of being at the "forefront of calling for the expulsion of non-Sabaot from the area as long as they refused to support KANU", and even continuing to incite violence after the clashes were over by declaring that Sabaot would not allow strangers to buy land in the district (Kenya 1997: 288).

These clashes of the early 1990s framed the development of more recent conflicts in a number of ways. First, they brought about a concentration of ethnic communities in the area, as many Bukusu and Teso residents moved down and away from the mountain, while many Sabaot (from others parts of Kenya and across the Ugandan border) moved back to their "homeland" in the newly formed district. These demographic changes led to a significant shift in local debates, as the contentious issue moved from being a debate as to whether Mount Elgon "belongs to the 'Sabaot' or not" to one about "which sub-group amongst the 'Sabaot' themselves has a stronger claim" (Medard 2006: 5).

These "ethnic clashes" were also organized, planned and financed by KANU elites who sought to use violence to displace and disenfranchise opponents and mobilize an ethnic support base. The resonance and appeal of this message

included local fears about an opposition victory, together with a strong communal narrative of marginalization and injustice, including autochthonous rights to the ownership and control of local *terroir*. This was critical, placing a discussion about "who is who" and "who really belongs where" at the centre of political debate. The events of the early 1990s also left a legacy of organized violence as an electoral tool. But it was not until an armed militia – the Sabaot Land Defence Force (SLDF) – was set up to defend claims to Chepyuk Settlement Scheme that local politics was transformed into a matter of life and death for local Sabaot.

The eye of the storm: Chepyuk Settlement Scheme

The Chepyuk Settlement Scheme has more recently become the focus of conflict on Mount Elgon. Violence and displacements began in the 1990s, worsening after 2000 and then escalating into a sustained campaign of assassinations and targeted attacks during 2006. By March 2008, the Chepyuk area had been placed under military rule as the Kenyan army moved to flush out alleged perpetrators. But this intervention quickly became the subject of great controversy, first over accusations of political manipulation of the intervention and then over reports of the army's gross and systematic abuse of human rights (including torture and murder) (IMLU 2008; KNCHR 2008; MSF 2008). Senior officers and government spokespersons swiftly refuted criticisms of the army's actions, while some factions of the Mount Elgon community demonstrated in support of the military intervention on the grounds that it had helped curb the SLDF threat (*The Standard*, 25 June 2008; *Daily Nation*, 6 July 2008).

Chepyuk is made up of three phases. Phase I consists of 4450 hectares, Phase II of 1410 hectares and Phase III of 1820 hectares, and recipients in all three have largely been Sabaot-speakers. Mainly situated within Kopsiro Division, the scheme's southern edge (Phase III) borders Cheptais Division, which is dominated by members of the Bok subgroup. Preparations for Phase I began in the late 1960s. In 1971, 3686 hectares of government forest were annexed and in 1974 degazetted for the settlement of families from Chepkitale – a barren, moorland area that lies isolated above the forest belt at the mountain's peak. As is common across many Kalenjin areas, the people who had lived on the mountain, on higher ground, are referred to as *mosop*; the term *soy* used to refer to those who lived on relatively lower ground. These labels therefore refer to geographical residence (and associated livelihoods) rather than to separate clans. However, local ethnic appellations are further confused by the fact that *mosop* or those "from Chepkitale" are sometimes referred to as mostly Kon (5 February 2005: interview with W. Kisiero MP, Mt Elgon, 1979–1997), or as Ndorobo or Ogiek.

The labels Ndorobo or Ogiek are used interchangeably to refer to dispersed groups of forest-dwelling hunter-gatherer communities regarded as original or indigenous residents of much of western Kenya. Similarly, the oral history of the Kon includes a strong discursive theme of having originated and of having always lived on Mt Elgon (Were 1967: 19), while they also have a history of

being referred to as Ndorobo or Ogiek (Colonial Office 1934: 2080). The question of whether Ogiek are Kalenjin or not is confused by the fact that most Ogiek speak a Kalenjin-related dialect and were purposefully linked with individual Kalenjin groups by colonial administrators, but are nevertheless regarded as distinct due to their "traditional" livelihoods and claims of being not just autochthones but original residents (Blackburn 1976; Breen 1972; Kimaiyo 2004; Kratz 1980). These narratives about who is who, and who belongs where, are thus extremely unstable, and open to flux, negotiation and contestation (Lynch 2006a, 2011c, 2012).

These identifiers were to prove contentious as the struggle over Chepyuk unfolded. In 1971, officials counted 600 heads of families in the Chepkitale area. However, while just over 3,500 acres of government forest was degazetted, around 11,000 acres was cleared for habitation and agricultural use under the proposed scheme (including much of the areas now known as Phases II and III). Thus, from the early 1970s, local people in Kopsiro and Cheptais divisions inhabited and tilled the greater Chepyuk area, taking advantage of the government's degazetting of the former forest reserve and lax regulation of settlement boundaries.

The land allocation process was mired by controversy; it moved ahead extremely slowly, dogged by allegations of favouritism and corruption. The most common complaint was that local politicians and their associates, along with those working in the provincial administration, had used their positions to gain plots either for themselves or for their friends and relatives. This left many potential beneficiaries – those from Chepkitale and landless Sabaot from lower down the mountain – without a plot. In 1979, the sitting MP, Wilberforce Kisiero, denounced the allocations process in a memorandum to then President Daniel arap Moi:

> Some of our local leaders took advantage of the allocation of Chepyuk to the Ndorobos either by allocating themselves and their families large portions of the said land or buying it cheaply from the Ndorobos. At the moment, many of the Ndorobos in Chepyuk are being evicted … on the grounds that they are squatting on forestland. Some have either trekked back to Chepkitale (where they are also evicted) or have been left landless around Chepyuk. We appeal to you Sir, to ask the Ministry of Natural Resources to halt eviction while a fair and more lasting solution is found.[3]

Similarly, in 1988, people from Chepkitale complained to President Moi that:

> It was in 1970 when the government decided to move the Chepkitale Dorobos to a new settlement at a place called Chepyuk … about one-half of the Chepkitale people were settled in Chepyuk, and another half were not settled to date. Instead of them being settled once and for all, all the leaders in Elgon … allocated themselves large pieces of land, up to over 100 acres each and also allocated their friends and relatives the same.[4]

Certainly, those from Chepkitale were placed in an unenviable position, as the opening up of Chepyuk coincided with a plan to vacate them from the isolated and relatively inaccessible moorland area in order to create a new conservation area. Created in the 1970s, the Chepkitale Native Reserve was officially converted into a National Game Reserve in 2000.

By the 1980s, the MP, Kisiero, was also subject to accusations of meddling in the Chepyuk allocations process in order to gain political advantage. In 1987, "an aspirant for the area parliamentary seat, Mr Simon Psiwa, led a delegation of Ndorobos to Sacho in Baringo District to see President Moi and report that [Kisiero] … had brought his supporters to settle on their land" (*Daily Nation*, 16 March 2008). Two years later, partly as a result of these complaints, Kisiero was sacked as an Assistant Minister. At the same time, all titles previously issued in the scheme were cancelled, and a new allocation process was initiated. However, by this point, the number of people who could link themselves with the families "from Chepkitale" had increased from the initial 600 families identified in 1969. In addition, many of the initial beneficiaries of allocated land had let, given or sold their plots to others, often doing so irregularly without following official administrative procedures that would have given these additional residents land title deeds and allocation letters.

These factors complicated the issue of settlement at Chepyuk. The second allocation process, directed by the Provincial Commissioner Francis Lekoolol and Mount Elgon District Commissioner Changole, was dogged by even more serious allegations of systematic nepotism, corruption and favouritism than the first. Consequently, a third reallocation process was begun in 1990, but abandoned in 1992 amid the "ethnic clashes" that had broken out with the return to multi-party politics, and which led to "an influx of people into the settlement scheme, most of whom were not original inhabitants of the area" (KNCHR 2008: 4). By 1992, then, Phase I of the scheme was in chaos with no proper allocation of plots resolved.

Phase II began in 1994. Once again, the process was characterized by complaints of mismanagement and nepotism. By 1996, local Ndorobo were insistent that illegal land allocations to "outsiders" in Chepyuk be nullified, and Kisiero was again accused of manipulating the allocation process to boost his chances of re-election. In response, Kisiero complained that Ndorobo dissent was "being used" and incited by his political rival Fred Kapondi, who had recently ousted Kisiero as Chairman of KANU's Mount Elgon branch (*The People*, 20 July 1996).

The question of whether it was those "from Chepkitale", or members of the Sabaot community more generally, who were the rightful beneficiaries of land in Chepyuk was something on which the government was less than clear. In early 1999, the government degazetted another part of Mount Elgon forest "to settle more than 1,000 landless Dorobo families," when the local District Commissioner insisted that "land would be allocated to genuine Dorobo squatters" (*Daily Nation*, 22 January 1999). However, back in 1993, the government had written to Ogiek leaders to advise them that they had no exclusive claim to Chepyuk:

> your calling upon the Government to close down Chepyuk settlement scheme on the ground that you are not in favour of other people whom you classify as from Cheptais to be settled alongside your people whom you classify as of Chepkitale. Let me on the outset bring to your attention that the Government's objective in any settlement scheme all over the country is to settle the landless. Such settlement scheme is always done in consideration of the economic well being of the landless benefactors. At no time is any settlement exercise done on tribal or clan basis.[5]

In the midst of this confusion of who should benefit from the scheme, the allocation of plots in Phase II continued to be dogged by mismanagement, nepotism and corruption. By the end of the 1990s it was apparent that more than one allocation letter had been issued for some of the plots, providing further space for rival and legally defensible claims.

In the run-up to the 2002 election, the scheme once again became the focus of local politicking. The fact that the allocation of land and issuance of title deeds had not been completed enabled parliamentary candidates to promise that they would finally bring the scheme to completion in favour of one community or another. Particularly outspoken was John Serut, who repeatedly promised that Phase III would be given to landless Bok from Cheptais Division. Serut – himself from the Bok subgroup – won the 2002 ballot on a KANU ticket, with 56 per cent of the vote.

Following the 2002 election – which brought Mwai Kibaki and the National Rainbow Coalition (NaRC) to power – the decision was taken to nullify all previous allocations and start the process again. The resurvey of Phase I and Phase II began in 2003, with a total of 2,157 five-acre plots given to registered beneficiaries. It was also decided that settlement in the first two phases was to be determined "in the proportions of 60 : 40 as between the Ndorobo and Soy" – that is, between those "from Chepkitale" and those "from the lowlands." However, it was Phase III (in Chepkurkur) that posed the greatest problems. Lowland Sabaot who were dissatisfied with the 40 per cent allocation given to them on the first two phases argued for a larger proportion of the land in this final area. Consultative meetings were held between elders, political leaders and members of the administration, and chaired by Provincial Commissioner Abdul Mwasera. An agreement was finally reached to divide the Phase III allocations on a proportion of 50 : 50 between those from Chepkitale and those from the lowlands (KNCHR 2008: 5).

As these debates rolled on, Chepyuk was hit by organized, though at first only sporadic violence. There had been isolated instances of violence in the past (Medard 2006: 10), but by early 2004 it was clear that the violence was taking on a more systematic and organized pattern. On 27 February 2004 the national Kenya press reported that:

> Five people are feared to have died in Mt Elgon District when two groups clashed over land yesterday. Two of the dead were adults. The rest of the

> victims were burnt to death as their parents fled. The arms of the three people were chopped off and a woman shot in the stomach with an arrow in the clash at the controversial Chepyuk settlement scheme. One group was attempting to evict the other from phase I and II of the scheme.… More than 200 homes were set on fire in Kubra area of the scheme. Livestock, food and household goods were stolen.
>
> (*Daily Nation*, 27 February 2004)

The houses burnt down at this time mainly belonged to Ndorobo; however, "moderate Boks" who did not take a sufficiently hardline stance on the community's rights to land in Phase III were also victimized (Medard 2006: 10).

Activists who supported the claim of those "from Chepkitale" to the land increasingly argued that there was a malevolent political purpose in the attacks, and simultaneously came to assert that Ndorobo, Ogiek or Mosop were not simply Sabaot speakers who had lived above the forest belt but were actually members of a distinct ethnic group as indigenous residents (Lynch 2011c). A blog by a local activist summed up Ogiek anxieties about their victimization in this violence:

> It is politically motivated. The area Member of Parliament hails from the Pok [Bok] ethnic group. He's behind the clashes with intention of evicting the Ogiek so that he can settle members of his tribe i.e. the Pok. The area at Chepyuk had been given to the Ogiek by the previous government, but the land ended up being grabbed by members from the powerful and dominant group – the Pok.… The Pok have the political protection. The burning of Ogiek houses forced the Ogiek youth to stand up and protect their heritage. They had to defend the land of their ancestors. This forced the area MP to meet the DC and police resulting in arresting members of the Ogiek community. There's no member of Pok arrested despite the fact they are the ones who started burning Ogiek houses and property. The area member of parliament Hon. John Bomet Serut is supporting members of his community – the attacking Pok, a Sabaot people. Besides, the police and provincial administration are biased because they have so far arrested Ogiek only. The instigators of the clashes are planning that after the eviction of the Ogiek in Chepyuk the action will be taken to Chepkitale where the other members of Ogiek are living.[6]

Later events would show Serut's position to be altogether more ambiguous and tenuous than these assertions implied.

During this same period, Masai Ndiwa Sangula, a descendant of Chief Sangula of the Chepkitale area, was shot dead by unknown assassins – the first of several chiefs, headmen and government administrators to be killed. A note posted on the Ogiek website by community members complained of how Sangula

> was a strong opinion leader of the community. He was supposed to be the heir to the leadership but because of [Bok] community influence in Mt Elgon region, he never had chance to do so. The killing of the Chepkitale Ogiek leaders continues as part of the systematic elimination of important members of this community before land matters are addressed in the Chepyuk settlement area.[7]

Vetting of applicants for the settlement of Phase II went ahead from January to March 2006, despite the continuation of violent attacks. According to the evidence gathered by the Kenya National Commission for Human Rights (KNCHR), applications for allocation of the Phase III settlement were received from both Sabaot and Ogiek in all sub-locations of the district. The two groups were registered separately, with applicants vetted by selected elders rather than chiefs – their exclusion designed to reduce the likelihood of corruption. A total of 866 applicants from each group were approved (1,732 allocations in all), but this left many more hundreds of applicants without land (KNCHR 2008: 5). Rancour over the proportions of land given to each group again erupted among landless Sabaot from the areas bordering the Phase III lands that were not allocated plots; and even among those who were successful there was considerable disquiet, since the land was distributed in plots of only 2.5 acres and not the 5-acre plots initially promised (KNCHR 2008: 6).

Escalation: the Sabaot Land and Defence Force

It was around this time that some of the dissatisfied parties "sought to channel money into financing firearms for purposes of opposing the process and bringing it to a halt" (KNCHR 2008: 3). This provided the impetus for the formation of the SLDF commanded by Wycliffe Komon Matakwei, who "is said to have dropped out of secondary school and formed SLDF to fight for land at the Chebyuk Settlement Scheme after his family was evicted from phase 3 of the scheme" (*Daily Nation*, 17 May 2008). The SLDF set out to defend the interests of the lowland Sabaot against the *mosop* and their political supporters, and "resist government attempts to evict squatters in the Chepyuk areas" (KNCHR 2008: 6; HRW 2008).[8] During 2006 and 2007 the violence escalated: the SLDF killed around 600 people, terrorizing "the local population through physical assaults and threats" and committing "murder, torture, rape, and the theft and destruction of property". Within an 18-month period these activities displaced over 66,000 people (KNCHR 2008: 2). So bad did things become during 2006 that *Médecins Sans Frontières* (MSF) set up a field hospital and aid station in Mount Elgon District to assist those injured in the violence and to support those displaced from their homes.

Local administrators involved in land allocation were targeted in this spate of violence. This included the local Chief, Tenderesi Temoi, who was murdered in 2007. This and other killings were linked to the SLDF, or *Janjaweed*, as they became known locally – in mimicry of news reports emanating from Darfur.

SLDF activities also took on a predatory dimension, with a minimum levy of Kshs1,000 collected from every adult in areas where the militia operated. The extortion was progressive, extracting more from the rich than from the poor – professionals having to pay up to Kshs2,000 per month (Kiraithe, Commissioner of Police 2008), and a bag of maize levied for every acre farmed. The militia also established their own courts, at which opponents were put on trial and summarily punished (*Daily Nation*, 24 March 2007). Punishments for those who resisted ranged from further payments and the enrolment of sons, to mutilations and murders.

Early in 2007, the SLDF issued political statements and made demands. Matakwei claimed that 7,500 squatters had applied for land at Chepyuk Phase III, and that all of them were families who had been living on the land since 1971. He demanded the "arrest of a local politician who he accused of fanning the violence", the transfer of the Provincial Commissioner, and "nullification of the land allocation". In the same article it was reported that the SLDF claimed to have up to 30,000 fighters in the forest under the training of former security personnel (*The Standard*, 12 January 2007) – clearly a grossly exaggerated figure. The local politician whom Matakwei accused was John Serut, MP from 2002 to 2007. Serut had used the Chepyuk issue as a central plank of his 2002 campaign, especially among his fellow Bok. In turn, many Bok who had supported him were deeply angered by his failure to deliver, and as the next elections loomed large, Serut and his family came under direct attack. In April 2007, Serut's brother, a retired administrative policeman, was murdered (*Daily Nation*, 13 April 2007), and at the end of June, another brother, Edwin Owino, was decapitated by suspected SLDF militiamen. Serut claimed that his life was in danger and took flight (*Daily Nation*, 1 July 2007). When he returned for a brief tour of the area in August 2007 (to give out Constituency Development Funds), his entourage was ambushed and shot at by a gang of around 17 men with AK47s. His security guards managed to push Serut to the ground before engaging in a fierce exchange of fire with the assailants (*Daily Nation*, 5 August 2007; *Catholic Information Service for Africa*, 10 August 2007).

In April, following the assassination of six other people at Kapsokwony, a group of 13 Rift Valley MPs called upon President Kibaki to stem the rising tide of violence (*The Standard*, 4 April 2007). In response, the Minister for Internal Security, Michuki, denied that the violence was escalating and announced that 280 people had been arrested and 80 more were being pursued by the police, while 13 suspected criminals and 71 innocent people had been killed, 23 people injured, and 3,000 displaced by the skirmishes. Other sources put the number of those displaced over the previous six months at 60,000 with 150 killed (MSF 2008). Michuki also claimed that the government had dispatched hundreds of security personnel to the area over the previous six months, and that they would soon issue title deeds to the 1,772 beneficiaries of the Chepyuk Settlement Scheme (*Kenya Times*, 10 April 2007). At the same time, the government arranged an amnesty to surrender weapons at local police posts (*Kenya Times*, 10 April 2007), although it was later admitted that no weapons were recovered

(*The Standard*, 20 April 2007). By this time, the dramatic picture of the SLDF and its capabilities in the Kenyan media stood in stark contrast to Michuki's complacent view that the government had the situation under control:

> SLDF leaders are as slippery and mysterious as its operations and people speak of their exploits in sheer terror, as nobody seems to know when they will strike.… Guided by the powers of [spiritual leaders] the soldiers claim they have supernatural powers, which confound their enemies.
>
> (*Daily Nation*, 10 April 2007)

Another peak in the violence began in late October 2007, ahead of the electoral polls at the end of December. The first attack saw the murder of another chief, while a few days later three people were beheaded in the Kamneru area of Kapsokwony Division. Villagers said that one of the dead, a teacher at Kapkateny Academy, had been seen in the company of a parliamentary aspirant. The following day there was a major gun battle between police and militiamen. The same night as the beheadings, militiamen destroyed a bridge on the Kapsokwony–Namwela road and blocked important routes with electricity poles (*Daily Nation*, 29 October 2007). Later reports stated that six bridges were destroyed in the Kapsokwony and Kopsiro divisions (*Daily Nation*, 3 November 2007). As a result of the beheadings, 500 families fled from the Kamneru location of Kapsokwony. There were six more murders on 29 October, when 300 houses were also burnt down in Kibumet, Kapsogom, Kabukwo and Kaimugur villages. Over 800 families fled to neighbouring Teso, Bungoma and Trans Nzoia following this incident. Others fled up the mountain to Chepkitale, while others crossed the border into Uganda (*Daily Nation*, 30 October 2007). By 3 November, the press reported that six chiefs (or headmen) had been murdered during the previous week (*Daily Nation*, 3 November 2007).

The families of political contenders were again targeted in this upsurge of violence. Shortly after midnight on 10 November, people in police uniforms murdered Fred Kapondi's father, Joseph Chesebe, outside his home in the Bukoni area of Cheptais Division (*Daily Nation*, 11 November 2007). Four days later yet another brother of Serut's, Jeremiah, and a niece, Milcah, were gunned down along with neighbours at Kibuk village in Kapsokwony Division. The assassins were again reportedly dressed in police uniforms, witnesses recognizing some of them as linked to the SLDF (*Daily Nation*, 14 November 2007).

Serut's problems in the face of this violence were very much a product of the material world of identity politics. To add to his ineffectiveness in delivering on promises regarding Chepyuk, Serut sided with the government during the national constitutional referendum of 2005, when the majority of his constituents voted against the government proposals (Lynch 2006b). This deepened political animosity against him among many former supporters, who saw him as no longer representing their local interests (KNCHR 2008: 9). This disaffection included many of those who became leaders and financiers of the SLDF, who swung their support in the 2007 electoral campaign away from Serut and toward

Fred Kapondi. The animosity between Fred Kapondi and Serut had been acute for a number of years. After Kapondi ousted Kisiero as Mount Elgon KANU branch chairman in 1996, he fought for and lost the KANU nomination in 1997, before contesting the 2002 election for another party. In April 2007, Serut publicly accused Kapondi of being the local "warlord" on Mount Elgon (*Daily Nation*, 5 April 2007), and Kapondi was arrested for incitement the same month (*Kenya Times*, 14 April 2007). He was later discharged due to lack of evidence, and went on to win the December 2007 parliamentary election on an Orange Democratic Movement (ODM) ticket.

Ben Jipcho was arrested alongside Kapondi, but released after questioning. Jipcho had risen to fame as a long-distance runner in the 1960s. However, he attracted less welcome attention in the 1990s when working as an Assistant Primary Schools Inspector, one of 20 people named in the parliamentary report into ethnic clashes as "among those described by witnesses as having contributed to the clashes". Indeed, Jipcho was named as one of six individuals who had masterminded "the entire operation from training to equipping (arming) the fighters", and as among the escorts for an attack in which two people were killed and 300 cattle stolen (Kenya 1992: 32, 35, 39). Jipcho went on to help campaign for Kapondi and was wounded by gunfire when distributing ballot papers (*Daily Nation*, 19 November 2007). His prominence, together with people like Kisiero, is suggestive of connections between Mount Elgon's violent episodes.

Kapondi's candidacy was endorsed by the SLDF, who systematically intimidated his 15 rival candidates competing for the ODM party ticket in the electoral nominations in 2007. No fewer than 10 subsequently withdrew from the race, including Bramwel Murgor, who told journalists that he pulled out "for fear of either being killed or hurt" (*Daily Nation*, 22 November 2007). Intimidation ensured that Kapondi won the ODM nomination with ease.

Serut's nomination in 2007 proved less straightforward. Having initially determined to remain on the KANU ticket, Serut went to party headquarters in Nairobi's Hurlingham suburb on 19 November to lodge his papers. When an official there refused to sign documents accepting his nomination, Serut drew a pistol and shot in the air. He then struck another official and a fight ensued, during which Serut was badly beaten. He was taken from Hurlingham to Kilimani police station, and then on to hospital (*East African Standard*, 20 November 2007). Serut was nevertheless accepted on the Party of National Unity (PNU) ticket of presidential incumbent Mwai Kibaki one week later – a clear reflection of the ease and impunity with which politicians from both camps used violence to achieve their goals.

SLDF interference in the nominations presaged a wider involvement in the election campaign. In the Kibuk area, "some militiamen tore posters of various candidates and pasted those of their favorite and told residents to campaign for him or else they will face their wrath". Elsewhere, the homes of two parliamentary candidates, Sammy Chemwei and John Ngononin, were attacked. The *Daily Nation* reported that attackers "left warnings that the politicians should shelve their ambitions" (22 November 2007). This was typical of SLDF actions

that were widespread throughout November and December 2007, with over a year of assassinations, torture, mutilations and intimidation giving credence to their threats.

Kisiero – the local MP from 1979 to 1997 and one of several politicians to be named and implicated in the official Parliamentary Report into the ethnic clashes of the early 1990s (Kenya 1992: 39; Kenya 1997: 287–288) – was closely associated with Kapondi. Although usually guarded in his public statements, in March 2007, Kisiero recommended that land allocations at Chepyuk be suspended, an independent committee be established to review the settlement process, and a general amnesty be granted to the SLDF (*Daily Nation*, 26 March 2007). He later called for the list of allocations at Chepyuk to be nullified – in opposition to Serut who continued to insist that the government should honour the list and allocations process (*Daily Nation*, 13 August 2007).

Having secured the PNU ticket in November, Serut received greater support from the Kibaki government in his struggles against Kapondi and the SLDF. At the end of November, a Rapid Deployment Force, mainly comprising Administrative Police backed up by regular police and a deployment from the General Service Unit (GSU), was sent to the area. By 27 November, at least 3000 people were said to have fled from the Kaptama and Kapsokwony areas upon the arrival of the security detachment (*Daily Nation*, 27 November 2007a). An editorial in the *Daily Nation* asked: "Why would the Sabaot stay put despite the malevolent presence of the militia and [then] take off in their thousands as soon as the rightful law enforcers rush to their help?" (27 November 2007b). The government's conclusion was that the peoples of Kaptama and Kapsokwony had been acting in support of the SLDF, and should therefore be targeted by security forces.

The 2007 election

The parliamentary and presidential elections of 28 December 2007 took place on Mount Elgon amidst a heavy presence of state security forces. Due to the displacement of residents because of violence, the turnout for the ballot was expected to be lower than in other constituencies, but with over 39,000 votes cast at 68 per cent of the registered electorate only two other constituencies in Western Province saw a larger proportionate turnout. While the government attributed this to the presence of the security forces, it may also indicate the high level of political engagement among the electorate of the constituency. Despite the intimidation and violence organized against Serut and other candidates

Table 5.1 2007 parliamentary election results, Mt Elgon constituency

Party	ODM	PNU	KANU	ODM-K	KADDU	Others
Candidate	Kapondi	Serut	Ndiema	Kimtai	Chemwey	various
Vote	21,760	10,471	2,992	2,720	521	945
% share	55	27	8	7	1	2

Source: Weis (2008).

standing in opposition to Kapondi, 45 per cent of the votes cast went against Kapondi. Yet with 55 per cent of the total vote he was among the strongest of ODM's 18 victorious candidates across the 24 seats contested in Western Province.

It is apparent that the Mount Elgon community remained deeply divided around the politics of land allocations on the Chepyuk scheme, and that this was the key political issue of the election. Throughout the campaign, Serut broadly supported (albeit indirectly) the arguments made by the people from Chepkitale by defending the system of allocations adopted on Phase III. In taking the side of the autochthones, Kapondi and his cadres sought to annul the allocations in favour of a new process that would not privilege those from the *mosop* area of the constituency, but would instead recognize the needs of "landless" Sabaot who had been illegally squatting on the settlement lands since the area was cleared for Phase III many years before. Land was, naturally enough, the mobilizing factor for autochthones and indigenes alike, and no politician standing for election could avoid taking a position over the allocations at Chepyuk Settlement scheme.

Although the election came and went, the crisis provoked by the land allocations at Chepyuk rumbled on. The SLDF continued its campaign of assaults, assassinations and intimidation after the December polls, killing 22 people at Kimama village on 31 December (*Daily Nation*, 25 March 2008). By 7 January the post-election death-toll in the district stood at 50 (*Daily Nation*, 5 February 2008). By then, much of Kenya's Western Highlands had exploded into violence in response to allegations made by the ODM national leadership that the result was fraudulent (Anderson and Lochery 2008; Lynch 2008, 2011b). This did not appear to have any noticeable impact on the Mount Elgon situation until February, when refugees who had fled from earlier violence in the district were attacked at their temporary settlements on the Trans Nzoia border to the east (*IRIN*, 20 February 2008). In early March there were further attacks on Mount Elgon refugees around Kitale (*Daily Nation*, 4 March 2008). Within the district, the SLDF continued to carry out murders, estimated to be two a week by the Kenya Red Cross (*IRIN*, 20 February 2008). It was also reported that the militia was still intimidating families into "allowing" their sons to join the SLDF, and extorting protection money and food from villagers (*Daily Nation*, 4 March 2008). However, in the context of the wider violence of January and February 2008 throughout western Kenya, Mount Elgon's problems received relatively little coverage, despite appeals for action by MPs in neighbouring constituencies where Sabaot were resident – who feared that SLDF action might spread beyond the mountain.

Operation Okoa Maisha – "Operation Save Lives"

> [The] mission … to arrest and bring to justice persons responsible for the crimes committed in this area, recover all illegally held firearms, create an enabling environment for the population to cooperate with the Police in the

> investigation of serious crimes reported without fear of retribution, prevent commission of further crimes in the area and restore Law and Order in the region.
>
> (Kiraithe, Commissioner of Police 2008)

In the first week of March 2008, only days after the two main political parties, ODM and PNU, formed a coalition government in Nairobi to bring two months of violence and civil strife to an end, the Kenyan army launched a major assault on Mount Elgon's SLDF militia.[9] On 9 March, hundreds of troops with attack helicopters and cannon gunners landed at Eldoret airfield. The army contingent included a parachute regiment, augmented by paramilitary and Administration Police. Soldiers were then moved into Mount Elgon under cover of darkness in a fleet of over 40 trucks (*East African Standard*, 10 March 2008). The military set up camp at Kapkota in Cheptais Division, and Malakisi in Teso District (*The Monitor*, 11 March 2008). On 10 March, according to the witness reports of residents, the army and GSU swooped on villages from the air and over land in an operation launched from the southern end of Mount Elgon District (*East African Standard*, 11 March 2008). At the same time the Kenya Air Force bombed caves on the mountain that were believed to be used as armouries by the SLDF (*The Monitor*, 11 March 2008). Emergency powers were declared over the area, and a 12-hour curfew was put in place, extending also to the districts of Trans Nzoia West, Trans Nzoia East and Kwanza (*East African Standard*, 11 March 2008).

Within hours, reports were received of thousands of people fleeing from the region into neighbouring districts, including many crossing the national border into Uganda (*The Monitor*, 11 March 2008). By the second day of the operation, it was clear that the army's tactic was to round up all men of military age in locations suspected of SLDF support and to take them to hastily constructed interrogation camps for questioning. At the end of the first week of the army operations, it was acknowledged that 189 people had been arrested and it was estimated that more than 9,000 had fled the district. By April 2008, the official number of arrests had risen to 1,735 suspects (Kiraithe 2008). Normally busy markets, including Chebkube, Kang'ang'a and Taigut, were deserted. More than 1,000 men from Cheptais had been rounded up and taken up to Kapkota for vetting to "test" whether they knew how to handle a gun or whether they might be SLDF informers. Reports were received of military bombardments, and human rights activists and journalists who tried to follow events and report on them were denied access to many areas of the district where the army was operating. Three journalists who tried to venture into the operational area were badly beaten by soldiers (*East African Standard*, 16 March 2008). In a coordinated operation with the military in Uganda, some SLDF activists were arrested there and handed over to the Kenyans on 15 March. In this second week, army operations intensified in Chebweki, where it was alleged that the recruitment and training of SLDF rebels had occurred. Large numbers of people fled from this area, crossing into Uganda's Manafwa District (*The Monitor*, 11 and 17 March 2008).

With the population long terrorized by the SLDF, numerous accusations were now made of beatings and torture by the army. These were extensively documented and reported by Human Rights Watch and the KNCHR, while MSF produced a detailed report cataloguing the injuries inflicted upon persons who came to its clinic for assistance (HRW 2008; KNCHR 2008; MSF 2008). IMLU gained access to one of the prisons to which the suspects were taken, and its report also gave details of the inhumane and brutal treatment meted out by army personnel (IMLU 2008).

In the midst of these imprisonments, on 18 March an interview was broadcast on local radio station West FM with John Kanai, one of the SLDF leaders. He called on the military to halt their operation and asked for the resumption of the peace process. He said that the SLDF supported the statement of some Rift Valley MPs who had demanded that original inhabitants should be given back their land – this being a reference to the autochthonous campaign of a group of ODM MPs for the expulsion of "foreigners" from some Rift Valley locations (D.M. Anderson 2005; Lynch 2011b). This interview sparked a fresh military operation, with extended searches of villages beyond the district as well as caves in the forest areas in an attempt to track down the hiding places of Kania and other SLDF leaders (*East African Standard*, 23 March 2008).

The military now had a "wanted list" of key SLDF suspects. This included lower level politicians who had been elected as councillors in the December 2007 polls, and a Sabaot *orkoiyot* – or spiritual leader – named Jason Psongoywo, who was alleged to be the architect and oath administrator of the SLDF militia (*Daily Nation*, 24 March 2008). One councillor, Stephen Warsama, was captured early in May, when Psongoywo was also taken into custody (*Daily Nation*, 17 May 2008). On 16 May, Matakwei was gunned down near Cheptaburbur village, along with at least 12 other SLDF members (*Daily Nation*, 17 May 2008). By late June, two further prominent leaders had been captured – one being Stephen Juma Kirui "Besigye" who had taken over as commander. Six further SLDF leaders surrendered to the Uganda security forces in June. SLDF spokesman John Kanai was finally handed over to Kenya from Uganda in July (*New Vision*, 10 July 2008).

By August 2008, 42-year-old John Sichei Chemaimak (aka David Sichei), who had announced himself as the real SLDF Commander in a KTN interview reportedly filmed in Uganda in July (*The Standard*, 4 July 2007), was the only senior militia leader still on the run (*The Standard*, 18 July 2008). Chemaimak is said to be an Israeli-trained former Kenyan army officer who was for a time attached to the presidential security detail. It is claimed that he was responsible for the organization and training of the SLDF recruits. In March it had first been reported that he had surrendered (*Daily Nation*, 24 March 2008) but this proved to be untrue. Then there were reports from the Trans Nzoia security team that he had been killed, but this again proved to be untrue (*The Standard*, 4 July 2007). Chemaimak apparently resurfaced in his home village in Kopsiro in late June (Peacenet, July 2008), and in July it was reported that he intended to continue the fight by renaming the SLDF as the Sabaot People's Patriotic Army, and that he wanted a

return to the 1926 colonial boundaries in Mount Elgon – thus greatly extending the territorial claims of Sabaot autochthony (*The Standard*, 4 July 2007).

Having achieved what they termed a "military victory" by the end of June 2008, the military announced a new phase in their operations – the tracking down of SLDF financiers. A report naming suspected financiers, including a former MP, councillors, political party activists and a current "prominent politician", was presented by Colonel Boiywo to the Minister of Security, Saitoti, and Commissioner of Police Haji, at Kapkota military camp (*Daily Nation*, 3 July 2008). The same report recommended the deployment of a regular military detachment to be permanently based in the district, and urged the government to move forward as rapidly as possible to finalize the title deeds for Phase III of Chepyuk (*Daily Nation*, 6 July 2008). The latter point was taken up in July, when the government announced that a further portion of Mount Elgon forest was to be degazetted to expand the Chepyuk settlement so that more claimants could be accommodated (*East African Standard*, 26 July 2008).

Conclusions

By 2013, the situation in Mount Elgon was one of relative calm. The displaced populations had gradually returned to their former plots (if not their destroyed houses) and a number of local church and non-governmental organizations were working to support recovery and reconciliation. But the area still bore the scars of the SLDF and an overzealous state security response, and the community remained in an uneasy state of negative peace (Galtung 1964).

With Kenya's 2010 Constitution and the introduction of a devolved system of government, which in 2013 saw the establishment of a bicameral government and 47 new county governments, the mountain was in effect "returned to Bungoma". This political and administrative change threatened to reverse the gains that many local residents associated with the formation of a separate Mount Elgon District in 1993, and it raised fears that future election-related violence in the area would again pit "local" Sabaot against Bukusu neighbours who constitute a majority in Bungoma County. For residents of the mountain, the big question was whether in the elections of 2013 the new elective posts – governor, senator, county representatives and county women's representative – would be won by Bukusu or whether the two communities could agree to some form of local power sharing so that Sabaot politicians would not be locked out of power. In the context of a competitive political system characterized by strong ethnic voting patterns (Lynch 2011b), there was a real possibility that Bukusu would predominate. This drew the Sabaot into negotiations over power-sharing arrangements, led, in part, by the new National Cohesion and Integration Commission (NCIC). The NCIC regarded Bungoma County as a potential hot spot in need of what the chairman referred to as "negotiated democracy". The threat of renewed violence on the mountain was all too clear: "what happens if [we] go to Bungoma and [they] don't give [us] a share – there'll be fighting", said a Sabaot elder interviewed in February 2011.

In the end, the 2013 elections were relatively peaceful across the country. In Mount Elgon, intra-Sabaot tensions were muted by the intervention of the International Criminal Court (ICC), and by the subsequent shift in political alliances and the emergence of a strong peace narrative, which allowed John Serut to reclaim the Mount Elgon parliamentary seat from Fred Kapondi. This was achieved despite the fact that Kapondi competed on a United Republication Party (URP) ticket, which formed part of the locally popular Jubilee Alliance, while Serut stood as an independent candidate. Serut's victory may be explained, however, by the fact that Kapondi was widely viewed to have "stolen" the URP party nomination and had become unpopular among both former SLDF members and supporters, who believed he had abandoned those who had fought for him, and those who had suffered at the hands of the SDLF, who saw him as the militia's former political leader.

Simultaneously, the possibility that problems could resurface between Sabaot and neighbouring Bukusu were averted, in part, by the success of power sharing, which saw a Bukusu, Kenneth Lusaka, and a Sabaot, Hillary Chongwony, elected governor and deputy governor of Bungoma County on a New Ford Kenya ticket. Negotiations were also extended to neighbouring Trans Nzoia County – where the Bukusu, Sabaot, and other Kalenjin communities predominate – and where Sabaot secured both the senatorship and Endebess parliamentary seat. Sabaot also secured six county assembly representative seats in Bungoma and another three in Trans Nzoia.

What do we learn from the case of Mount Elgon? First, it serves to remind us that Kenya was far from peaceful prior to the 2007 election. While that election triggered violence across large parts of the country, in many constituencies the crisis was about much more than a disputed result. Analysts have focused on a range of underlying causes for the violence, including the centralization of power, cultures of impunity and state informalization, elite fragmentation, communal narratives of injustice and marginalization, inequalities, and underemployment (Branch and Cheeseman 2009; Lynch 2008; Mueller 2008). The case of Mount Elgon provides evidence for the importance of each of these factors in understanding the causes of violent conflict, but it must also be remembered that the context for the escalation of this conflict was set by the transition to multi-party politics in Kenya. Electoral politics is not the *cause* of Elgon's troubles, but since the early 1990s Kenya's electoral cycle and associated political alliances have determined the pattern and intensity of the violence.

In turn, the case highlights how violence that is initially organized around one set of issues – namely local electoral contests – can later feed into other forms of violence – such as local struggles over land and a criminal expropriation of money – and vice versa, as gangs or militias that are mobilized for political or economic ends become available to engage in other struggles and competitions. The line between "criminal" and "political" violence becomes blurred as a result, thus "rendering this dualistic distinction an obstacle to more comprehensive analysis" (Lynch 2011a: 162).

The case also provides an indication of the growing importance of minority issues, and especially the politics of autochthony. The transition to multi-party politics has seen an emergence of debates in Kenya about who "really belongs", with politicians and their supporters using narratives of identity and administrative realities to lay claim to the rightful ownership and political control of ethnic *terroir*. This instrumental use of ethnicity by politicians in Kenya has become the overriding characteristic of the country's politics since the 1990s. But the questions of who is local, who truly belongs and who has an authentic claim to residence are contested in many other places across Africa and beyond (Geschiere 2009), and, as Sara Berry reminds us, this frequently involves the making and remaking of the histories that define belonging and affiliation to the land:

> This happens not only because powerful actors manipulate or subvert "local" processes to serve their own interests, or because people invent traditions to take advantage of changing circumstances, but also because localities have histories. Over time as people move, change their ways, and reorganize social institutions and relationships; they accumulate informal "archives" of remembered and/or recorded events and relationships which may be called into play when questions of local identity or jurisdiction are at issue.… [In addition] histories of state-directed exercises in mapping, counting and classifying people and environments and adjudicating disputes created their own archives of documented and remembered demarcations, which often inform, revise or compete with unofficial stories, rather than supplanting them entirely.
>
> (Berry 2004: 82–83)

Mount Elgon presents a dramatic case of the processes described so eloquently by Berry, where informal "archives" of identifiers, migrations and allocations are used by a range of local actors – from landless squatters to national politicians – to lay claims that are explicitly exclusive. In Kenya this divisive politics of exclusion has been an unforeseen feature of the democratic transition, fomenting the especially destructive violence of Mount Elgon but also fuelling struggles in other constituencies where indigenes and autochthones feel threatened by "outsiders" and "latecomers" (Anderson and Lochery 2008; Lynch 2011b). The electoral cycle is not the cause of these conflicts, but among Kenya's fragmented elite the struggle to gain political power brings with it control over the allocation and distribution of scarce resources, not least of the land itself. And that is something that self-perceived threatened minorities believe is worth fighting for.

Notes

1 The first reference to "the Sabaot" dates to 1949 (North Nyanza Annual Report, p. 1). The terms "Luhya" and "Kalenjin" date to the late 1920s and 1940s respectively (Ogot 1981: 9; Lynch 2011b).
2 Kenya Intelligence Committee, June 1963, PRO/CO 822/3059.

3 Letter from W. Kisiero and E. Kiberence to His Excellency the President, Daniel T. arap Moi, 29 March 1979; from the personal archives of a local resident.
4 Citizens of Chepkitale to Your Excellency the President of the Republic of Kenya, Commander in Chief of the Armed Forces Hon. D.T. arap Moi, 16 October 1988; from the personal archives of a local resident.
5 Letter from Provincial Commissioner Western Province to Simon Psiwa, Johnson Changeiywo, Philip Cheluget and Geoffrey Taragon, 30 December 1993; from the personal archives of a local resident.
6 Yator Kiptum, Chairman of the Hunter-Gatherers Forum, "Eviction, Brutality and Displacement of Ogiek", 4 March 2004 (www.ogiek.org).
7 Dr J. Changeiywo and Martin Simotwo, "Genocide Against the Chepkitale Ogiek Continues", 12 July 2004 (www.ogiek.org).
8 Some local commentators claim that the SDLF came into existence some time before this, but that its violent activities only became evident at the point of the phase III allocations.
9 For a full account of the events briefly described in this section, see HRW 2008; IMLU 2008; KNHRC 2008; MSF 2008.

6 Democratization and determinants of ethnic violence

The rebel–moderate organizational nexus

Jacques Bertrand and Sanjay Jeram

Democratization constitutes a crucial moment in the historical relationship between ethnic groups and the state. A more open political space allows greater flexibility to express grievances, exert political pressure, and seek greater representation in reformed political institutions. By contrast, authoritarian political settings offer few avenues. When groups are not repressed to the point of paralysis, they can organize protests, demonstrations, or other extra-institutional forms of expressing grievances. On rare occasions, ethnic groups that are not dominant within the institutional apparatus of the state can gain access to power and resources, when they are integrated into the regime through patrimonial relationships or other forms of regime cooptation. In many instances, of course, ethnic groups use violent means to rebel against the state.

The loosening grip of an authoritarian regime, or its sudden demise, represents an opportunity for mobilization. As discussed by Haklai and Bertrand in the introduction to this volume, this institutional change produces a variety of possible outcomes, from violent uprisings to new modes of peacefully channelling demands via renewed political institutions. How ethnic groups react to a changing political environment depends on a number of factors. On the state side, the provision of channels to express grievances is likely to reduce the propensity to mobilize violently; the continued use of security forces to suppress minority discontent can also prevent open mobilization or, alternatively, stimulate a backlash and intensify minority resolve to counter it. The choice to mobilize and the type of mobilization will vary also according to characteristics of groups themselves, such as their size, or territorial concentration, but they also depend on organization. Mobilization requires first that leaders persuade ethnic group members to engage in their chosen political action. The success of recruitment and following may determine the ability to sustain mobilization or its chosen type.

The number, nature, and diversity of in-group organizations constitute an important, often neglected, factor influencing responses to a new political environment. Ethnic groups are not monolithic entities that mobilize *en masse* in peaceful or violent ways to advance their interests. Ethnically based organizations constitute the most relevant unit of group mobilization. These organizations vary tremendously in terms of their size, degree of support, extent of armed

capacity, and preferred methods of advancing group interests. Furthermore, within single ethnic groups they often compete for mass support and legitimacy.

The effects of democratization on violent ethnic conflict, as we argue in this chapter, are mediated in part by the in-group competition between ethnic organizations. When a regime democratizes, the previous configuration of in-group organizations is often changed significantly. For instance, an armed organization claiming sole representation of an ethnic group might compete with a civilian one seeking representation in newly democratic institutions. Groups previously divided into several organizations may see their relative support dramatically transformed. After the fall of an authoritarian regime, in-group competition is associated with higher levels of violence, as armed organizations outbid more moderate ones to remain relevant. When organizations cooperate or when one dominates, violence against other ethnic groups tends to diminish.

The role of organizations in ethnic conflict

Ethnic groups are rarely homogeneous unitary actors. They are typically divided and their goals may not always converge. Ethnic violence is perpetrated not by ethnic groups as such but by organizations that purport to represent the dominant viewpoint; yet this is rarely the case (Brubaker 2004). At one extreme, ethnic organizations take the form of political parties that espouse moderate goals such as increased autonomy or improved citizenship rights, pursuing their goals through formal institutions. At the other, organizations operate clandestinely, using terrorism and tactics of guerrilla warfare to pressure the state into ceding to their demands. The number of organizations claiming to represent a group, and the differences between their goals and tactics, are good indicators of intra-group divisions.

Ethnic political parties generally behave differently than non-ethnic parties. They form around group interests and often position themselves as seeking objectives that diverge from those of the broader society. Ethnically defined interests often render compromise with other groups difficult. If ethnic group members rally around one ethnic party, the latter will promote narrow group claims more ardently, which makes it less likely that a non-ethnic party will mediate in group conflict. If they divide their support among two or more parties, conflict may also ensue. Rank-and-file group members are not mindless followers, and will often shift their support if they are not satisfied with the ideologies or policies of their current party (Horowitz 1985: 291–332). The politics of "ethnic outbidding" make sense in this light – a dominant ethnic party attempts to defeat competition by espousing maximalist demands that cast its competitors as traitors (Rabushka and Shepsle 1972). The result is often a slide towards violence as the majority and minority ethnic groups see their goals as mutually incompatible. Regardless of the scenario, as Brancati (2009) has shown, the emergence of ethnic political parties is often associated with higher levels of ethnic violence.

Insurgent or rebel groups operate outside of the political process. Grievance-based theories explain their emergence and, in particular, their success at

recruitment on material or political disadvantages experienced by an ethnic group (Gurr 1993, 2000). More recent studies emphasize political and economic opportunities motivating rebels to choose a violent path. Where natural resources are abundant and easily exploitable, insurgent groups can often recruit poor young males with few chances of legitimate material advancement (Collier and Hoeffler 1998). Yet, insurgency also depends on state strength as the opportunity arises, generally when the state is weak (Fearon and Laitin 2003). At a micro level, the decision to participate in rebellion, however, is difficult to assess, since there are multiple reasons that vary according to the nature of conflict, even within a single civil war (Kalyvas 2006).

There could be various reasons why ethnic groups spawn more than one organization and why their *intra*-group interaction can sometimes increase *inter*-group violence. In the aftermath of peace settlements, for instance, "spoilers" sometimes try to undermine compromises that more moderate organizations reach with other ethnic groups (Stedman 1997; Sisk 1996). A rebel group on the fringes of the settlement might increase its use of violence because its demands haven't been met or through fear that its organization will disappear. Even without spoilers, a negotiation process can cause a rift within an organization, pushing extremists to form a splinter group. Spoilers can also be inside the peace process; an organization sometimes agrees to a settlement but then fails to abide by its rules when a rival organization outbids it and attracts its prior supporters.

When, then, do leaders drive ethnic organizations and when do followers constrain its agenda?

To some extent all ethnic organizations, as well as the central state, are constrained by popular support. It is obvious that ethnic political parties need votes to gain seats in regional and national parliaments, but extremists are also very aware of shifts in the sentiments of their constituency. Ethnic terrorist groups, such as the Irish Republican Army (IRA) and Euskadi Ta Askatasuna (Basque Homeland and Freedom – ETA), have been quite selective in their targets for attacks and reduced their use of violence at strategic moments when there has been concern that their support base was eroding (Sanchez-Cuenca 2007). Ethnic rebel organizations in the developing world tend to vary more in their sensitivity to mass support; those which have become overrun with criminals that use ethnicity to mask self-interested intentions are generally less concerned with public support (Kemp 2004). At the same time, rebels require a constant stream of new recruits and a supportive constituency to provide resources and "safe havens" from state forces. This means that the strategies which rebel and moderate organizations choose in response to changing circumstances is somewhat determined by whether or not they can pursue a particular option (e.g. violence, disarmament, signing a peace agreement) without alienating their existing and potential supporters.

Organizations representing the same ethnic group, therefore, may develop diverging goals, and concerns about mass support may influence their strategic choices. When organizations compete for representation of an ethnic group, they are constrained by shifts in their support base. The broader institutional

environment conditions the structure of incentives or disincentives for following more violent-prone or moderate organizations.

Democratization, ethnic organizations, and violence

Democratization represents an exogenous shock that alters the incentives, strategies, and number of ethnic organizations. Rebels that pursue violent strategies in authoritarian contexts generally have the support of their ethnic group because minorities are usually repressed. A genuine transition to democratic competition can undermine this support, however, because moderate organizations are empowered to pursue group goals such as autonomy or minority rights through political institutions. If no moderate organization exists under authoritarian rule, democratization presents an opportunity for "soft-liners" within rebel organizations to create one and vie for group support.

Competition among moderate and rebel organizations can lead to violent outcomes in one of two ways. The first is similar to the classic pattern of outbidding, in which rebels use violence to solicit a heavy-handed response from the state and increase their support from members of their ethnic group. The second occurs when rebel organizations develop profit-oriented motives for continuing warfare. This is more likely to occur when rebel groups gain control of resource-rich areas and use their armed capacity to defend against incursions by state forces.

In some instances, however, democratization may reduce competition between organizations. When a rebel group never achieved a position of dominance during the authoritarian period, newly empowered moderate organizations can co-opt rebels. In this case, a rebel organization expects poor chances of survival outside of formal politics.

In order to explore the relationship between democratization, violence, and the interaction of intra-group ethnic organizations, we first use a large dataset to identify relevant cases; second, we select six cases for analysis of the mechanisms involved. We use Polity IV scores and Minorities at Risk (MAR) data to classify cases in which violence increased after democratic transitions and those in which it decreased. Transitions only include cases where one can identify first the demise of an authoritarian regime, then the establishment of a minimal democratic regime through elections or a very significant shift in basic political freedoms. In the Polity IV dataset, we identify such a shift as a 3-point positive change in the total score where the initial score is negative and the subsequent score is positive. We impose a further selection rule: we limit our cases to those where a transition remained relatively stable and did not revert to an authoritarian regime. By doing so, we capture cases where the process of democratization was sufficiently genuine and significant to avoid a quick collapse. This prevents us from selecting cases where mobilization by ethnic organizations was primarily triggered by the false nature of a transition.

In Table 6.1, cases in bold represent those where a transition occurred and democratic practices remained. Even in those cases, we observe a relatively even distribution across the three columns, thereby confirming that ethnic organizations

Table 6.1 Short-term effects of democratic transition on ethnic rebellion

Major increase in rebellion after transition (+3)	*Minor increase or stable rebellion after transition (+1–2)*	*Decrease in rebellion after transition*
Mende (*Sierra Leone*)	Baluchis (*Pakistan*)	Serbs (**Croatia**)
Lozi (*Zambia*)	Mohajirs (*Pakistan*)	Kosovo Albanians (*Yugoslavia*)
Mayans (**Mexico**)	Ijaw (*Nigeria*)	Baluchis (*Iran*)
Acehnese (**Indonesia**)	Ibo (*Nigeria*)	Kurds (*Iran*)
Malay – Muslims (*Thailand*)	Indigenous Peoples (**Chile**)	Afars (*Djibouti*)
Kurds (**Turkey**)	Indigenous Peoples (**Panama**)	Afars (*Ethiopia*)
Ankole (*Uganda*)	Vietnamese (*Cambodia*)	Tigreans (*Ethiopia*)
Baganda (*Uganda*)	Kikuyu (Kenya)	Tuareg (*Niger*)
Kakwa (*Uganda*)	Greeks (**Albania**)	Tuareg (*Mali*)
Abkahazians (*Georgia*)	Karamojong (*Uganda*)	M'Boshi (*Republic of Congo*)
South Ossetians (*Georgia*)	Chittagong Hill Tribes (*Bangladesh*)	Bemebe (*Zambia*)
Gagauz (**Moldova**)	Russians (**Lithuania**)	Mende (*Sierra Leone*)
Slavs (**Moldova**)	Albanians (**Macedonia**)	Temne (*Sierra Leone*)
Chechens (*Russia*)	Avars (*Russia*)	Acholi (*Uganda*)
	Ingush (*Russia*)	Langi (*Uganda*)
	Highland Indigenous Peoples (**Bolivia**)	Miskitos (**Nicaragua**)
	Lowland Indigenous Peoples (**Bolivia**)	Indigenous Peoples (*Guatemala*)
	Indigenous Peoples (**Panama**)	Papuans (**Indonesia**)
	Indigenous Peoples (**Chile**)	Cordillera (**Philippines**)
	Diolas (**Senegal**)	Merina (*Madagascar*)
	Basques (**Spain**)	Amazonian Indians (**Brazil**)
	Moros (**Philippines**)	Xhosa (**South Africa**)
	Europeans (**South Africa**)	
	Zulus (**South Africa**)	

Sources: Marshall and Jaggers (2010); Minorities at Risk (2009).

Notes

a Democratic transitions include country cases that move from a negative to a positive number with at least a 3-point change in their Polity score within a three-year span. Rebellion is determined by the highest score reached by the group on the MAR rebellion scale (0–7) within a five-year period before and after the transition. Countries in **bold** have consolidated their democratic status since the transition (moved up to and remained at a Polity score of 7 through 2007). Countries in *italics* have either remained semi-democracies or reverted to authoritarian rule.

b The table includes cases from countries such as Moldova and Georgia even though they did not technically go through democratic transitions as independent states. Selecting cases for analysis from these countries would be problematic because we would be conflating processes of state-building with democratization (Doorenspleet 2000).

c Cases with missing values that prevent an assessment of democratization and/or rebellion are excluded from the table.

respond differently to democratization, sometimes becoming more peaceful and at other times more violent.

According to these classifications, we selected a few cases to trace changes relating to ethnic organizations and their role in increasing or reducing violence after democratization.

We select cases across the range of variation to identify processes leading to increases and reductions in violence after democratization. The Miskitos and Papuans are two cases in which significant ethnic rebellion all but disappeared following the democratic transitions in Nicaragua and Indonesia respectively. The cases of the Basques and the Acehnese are paired together because violence between ETA and Gerakan Aceh Merdeka (Free Aceh Movement – GAM) and the Spanish and Indonesian states respectively reached a peak in the immediate aftermath of democratization, but declined over the longer term. In the Philippines and Senegal, ethnic violence between state forces and ethnic rebel groups has been a persistent problem that appears minimally affected by democratization. In authoritarian, transitional, and stable democratic contexts, the Moros and Diola have had consistently high scores on ethnic rebellion in the MAR dataset.

Basques (Spain)

Prior to the 1890s, the ethnic and cultural distinctiveness of the four Basque provinces of Spain had not produced a nationalist organization. The abolition of the *fueros* (ancient laws) in 1874 – which bestowed political autonomy upon the provincial authorities in the Basque Country – was the source of much resentment. The father of Basque nationalism, Sabino Arana, drew upon nostalgia for the *fueros* to develop a modern nationalist movement in favour of complete separation from Spain (Sullivan 1988: 5). He managed to appeal to a significant portion of the Basque masses and to create the group's first political organization in 1895, the Partido Nacionalista Vasco (Basque Nationalist Party – PNV).

Before his death in 1903, Arana changed the goal of the PNV from independence to autonomy, provoking intra-party conflict that has persisted throughout the party's existence. Nevertheless, the PNV remained the only significant representative of the Basques until well after the installation of Franco's authoritarian regime. In the face of a strengthening dictatorship that was brutally repressive of Basque culture, a small group of Basque youths formed the group Ekin (To Act) to discuss their dissatisfaction with the PNV's moderate tactics and devise a more radical path to independence. At first, Ekin tried to merge with the PNV's youth wing, but tensions between the groups heightened as Ekin became increasingly frustrated with the PNV's moderate tactics of resistance (e.g. cultural festivals), and the latter with the former's intransigence and impatience (Clark 1979: 156). In 1959, Ekin and hundreds of members from the PNV's youth wing merged to form ETA, an organization that, unlike the PNV, believed that self-rule could not be achieved through participation in established political institutions.

The early period of ETA was marked by internal disputes over its ideology and competition with the PNV. The PNV's conservative and catholic orientation alienated Basques on the political left from the nationalist movement. Consequently, left-leaning ETA elites saw an opportunity to appeal to Basque workers. They attempted to use ETA as a vehicle to pursue socialist goals in

collaboration with other left-leaning Spanish parties and social movements, and to subordinate its nationalist agenda (Clark 1979: 161). Those favouring a socialist agenda called themselves ETA-Berri (New ETA) and labelled their opponents ETA-Zarra (Old ETA). ETA-Berri were expelled from the organization at the Fifth Assembly in 1967 because of their willingness to coalesce with Spanish parties and social movements, and ETA-Zarra retained the moniker ETA. ETA did experience some success combining nationalism and socialism to increase their support base, but this uneasy marriage of ideologies would continue to cause rifts within ETA and prevent it from gaining broader legitimacy during the 1960s.

ETA began its campaign of violence in pursuit of an independent Basque Country in 1968 with the murder of a Spanish Civil Guard officer and a police chief in Gipuzkoa. Subsequent events conformed to the group's adopted "action-repression-action" theory because the Spanish state responded to the killings with a heavy hand. Constitutional guarantees were suspended in Gipuzkoa and arrests nearly decimated ETA's cadres by the end of 1969 (Muro 2008: 106). The infamous Burgos trial in 1970, in which 16 ETA militants were accused of acts of terrorism and banditry, was supposed to act as a deterrent for potential ETA recruits. Luckily for ETA, it had the unintended consequence of granting legitimacy to the armed group in the eyes of large sectors of the Spanish opposition as the vanguard of resistance against a brutal Franco regime (Muro 2008: 107). In the aftermath of the trial, ETA was flooded with new members from the disaffected youth wing of the PNV and gained the support of the wider Basque nationalist community (Clark 1984: 155). Following this wave of support, ETA carried out its most spectacular action to date: the assassination of Franco's heir and prime minister, Admiral Luis Carrero Blanco, in 1973.

While there are no survey data to draw upon during the 1970 to 1974 period, it was clearly a high point for ETA in terms of mass support. Support for ETA was buoyed by the fact that PNV leaders remained in exile and their ability to pursue change through political institutions was blocked by the Francoist state apparatus. As one follower of Basque politics has put it: "ETA was the champion of Basque grievances" (Muro 2008: 110).

After Blanco's death, it was apparent to most reformists within the Franco regime that relaxing societal repression and allowing for some political contestation was necessary because the opposition was becoming too strong. Accordingly, new Prime Minister Arias Navarro proposed a programme for opening up the system in early 1974 that included elections for local governing positions and an increase in the percentage of elected deputies in the congress, albeit with very limited suffrage (Preston 1986: 57). Nevertheless, Spain's eventual transition to democracy was not a given at this point because the extreme right remained committed to fighting democracy, and kept firm control over key institutions such as the army and police. Within this highly uncertain context, a pertinent division within ETA came to the fore: the nationalists and the Marxists. The nationalist faction within ETA believed that Basque liberation would only come about through an all-out military struggle, while the then dominant Marxist

branch felt it was necessary to combine political work with the armed struggle, leading to the split of ETA into ETA-militar (ETA-m) and ETA-político-militar (ETA-pm). ETA-pm leaders were convinced that a political organization was necessary if ETA was to compete for support with the PNV in the post-Franco period. There was a genuine reason for this concern: PNV leaders took advantage of the opening in the authoritarian regime to reconstruct its organizational capacity and vie for popular support (Sullivan 1988: 151).

Ambiguity about Spain's political future all but ended in November 1976 when the opposition, reformists and the extreme right voted for Adolfo Suárez's proposal that dissolved the Francoist governing institutions and called for the election of a new democratic bicameral legislature. Certainly anticipating the coming political changes, ETA-pm designed a platform in 1976 that included the dissolution of military operations once its political organizations gained strength. ETA-pm spawned a number of new organizations to pursue its goals through non-violent means that eventually coalesced as the political party Euskadiko Ezkerra (Basque Left – EE). On the other hand, ETA-m developed a manifesto that recognized the importance of mass organizations to harness support for the independence movement, but stressed that the leadership of ETA-m maintain autonomy from the popular movement to ensure it had freedom to apply violence against the Spanish state in pursuit of its goals (Llera *et al.* 1993: 17–18). Organizations in favour of the armed solution led by ETA-m formed the political coalition Herri Batasuna (Popular Unity – HB) in 1978.

Despite their common agenda, ETA-m and ETA-pm pursued a bitter rivalry with each other and the PNV during the transitional period. ETA-m rejected the offer from Suárez's transitional government to amnesty political prisoners except for those accused of the most serious attacks, whereas ETA-pm was willing to accept it as an appropriate measure. ETA-m believed that the political reforms made by Suárez were a façade for continued authoritarianism while ETA-pm interpreted these changes as a signal that the time had come to end the armed struggle (Llera *et al.* 1993: 119–120). Despite its rejection of the 1978 Constitution as legitimate, the PNV accepted the Basque Statute of Autonomy and, in the referendum on its ratification, mobilized its supporters in favour of it. The EE also openly supported the statute, which indicated that ETA-pm was on board with the project as well. Only HB – the political wing of ETA-m – advocated a "no" vote, and, with only 5 per cent voting against the statute, it was overwhelmingly clear that the ETA-m and HB did not represent the majority Basque opinion. As its legitimacy dwindled, ETA-m became more violent. From 1975 until 1977, ETA-m killed approximately 43 people, but this number increased dramatically to 241 between 1978 and 1980 period (Martinez-Herrera 2002: 10). ETA-pm was dissolved in 1981 and ETA-m retained the name ETA. Since that time, ETA's militant activities have steadily declined and the percentage of Basques who "totally reject" ETA and the use of violence has increased dramatically (Llera 2005).

Democratization in Spain was a significant cause of the split in the main organization representing Basque grievances during the late authoritarian period.

Open elections and decentralization that empowered the Basque Country with an autonomous government legitimized the political programme of the PNV at the expense of ETA-m and ETA-pm. The opportunity to participate in political institutions also drew ETA-pm away from clandestine activity, leaving ETA-m with a dearth of support from within the nationalist community. From this standpoint, it appears that violence was a strategic move on the part of ETA-m to remain a relevant force and elevate the status of its members to that of martyrs making the highest sacrifice for the Basque nation. In doing so, ETA-m (ETA after 1981) hoped it could solidify its support base and continue to attract new recruits. In the two decades since, the PNV has tried both isolating and coalescing with the radical nationalist movement, and neither strategy has succeeded in fully eradicating ETA. In early 2011, ETA declared a permanent ceasefire, but refused to fully disband. It remains possible, then, that internal strife or new competing organizations entering Basque politics somewhere in between the PNV and HB on the nationalist continuum could trigger a surge in violent activity.

Acehnese (Indonesia)

The Acehnese rebelled against the Indonesian state following repeated failures to address regionalist demands. The conflict suffered three periods of violent clashes between local organizations and the Indonesian military. First, under the banner of the Darul Islam rebellion (1953–1957), an Acehnese group fought alongside rebels from other regions with the objective of establishing an Islamic state in Indonesia. This rebellion was partly due to regionalist grievances against the Indonesian government, which had withdrawn Aceh's status as a province in 1950. Second, a more long-lasting rebellion emerged after 1976 during the authoritarian rule of President Suharto (1965–1998). The Gerakan Aceh Merdeka (Free Aceh Movement – GAM) mobilized violently in 1976 and then again in 1989 but was crushed both times. Finally, after the fall of the Suharto regime in 1998, GAM re-emerged, this time better organized and more powerful, but it also briefly shared the political field with moderates. This most violent and long-lasting episode of Acehnese rebellion against the Indonesian state occurred after the beginning of democratization, yet it was also during that phase that several organizations were formed and competed for support.

GAM mobilized violently in 1976 as it sought an independent country in response to the Indonesian state's centralization and lack of redistribution of revenues from recently discovered gas and oil reserves in the province. During this phase, GAM was a relatively small and weak group with little popular support (Morris 1983). It was easily defeated by the Indonesian armed forces. Similarly, its re-emergence in 1989, although slightly stronger, had been crushed by 1991 (Kell 1995). For most of the following decade there was no evidence of a violent conflict. The province, however, was kept under tight repression, having been declared a Daerah Operasi Militer (Military Operations Zone – DOM). The military undertook violent repressive measures and operations to weed out GAM supporters, but GAM was unable to mount any significant attacks in response.

Nevertheless, it continued to organize silently among villagers. During this period, GAM became a symbol of resistance, and its support grew steadily as the broader population resented the military's harsh treatment.[1]

When the authoritarian regime fell in 1998 and democratization began, the moderate centre seized the opportunity to mobilize peacefully. Student groups and non-governmental organizations (NGOs) were formed around two main issues: justice for the abuses by the armed forces during the DOM period and a referendum on wide-ranging autonomy. Most notably, after President Habibie conceded to a referendum for East Timor in February 1999, demands for a referendum grew steadily stronger in Aceh. An umbrella organization was formed specifically to mobilize in favour of a referendum: the Sentral Informasi Referendum Aceh (Referendum Information Centre – SIRA). SIRA successfully organized two large demonstrations demanding a referendum on autonomy or independence. The first, in November 1999, drew an estimated 500,000 people. The following year, despite government efforts to restrict access to Banda Aceh, 400,000 people were able to demonstrate again in support of a referendum.[2] SIRA represented a moderate alternative, and clearly gained broad support among Acehnese.

In the meantime, GAM re-emerged with greater strength and support than ever before. It first organized a vast campaign by which it made frequent statements denouncing the military's past abuses, thereby strengthening its position as representative of a new Aceh in opposition to the abusive Indonesian state. Since the Habibie government appeared reluctant to make any significant concessions to Aceh or hold a referendum, GAM began new attacks on military targets. The violence escalated dramatically in 2000 as the military launched intensive operations. Most Acehnese had suffered considerably from military repression prior to 1998. As the military escalated its response, so did Acehnese support for GAM.

Because of the re-escalation of violent conflict, the civilian movement was increasingly eclipsed. Yet, there seemed to have been a distant coordination in tactics between GAM and SIRA. While SIRA pushed for a referendum in the early months of the democratization period, GAM adopted a "wait-and-see" approach while it reorganized and sought more weapons. There were communications between GAM and SIRA, as they shared the same objectives of independence or wide-ranging autonomy. Even though there was no systematic coordination of strategies, nevertheless they did align themselves with each other and were not competitive organizations.[3]

SIRA and GAM were able to lead the Acehnese because alternative groups were discredited. For a brief time, religious leaders (*ulama*) attempted to occupy a leadership role as they once had under the very popular leadership of Daud Beureueh, a prominent ulama and first governor of Aceh after Indonesia's independence. They reorganized politically as a misguided President Habibie, in the first few months after the fall of Suharto, attempted to address grievances in Aceh by sponsoring the adoption of Islamic law in the province. Law no. 44 (1999) extended Islamic Law to Aceh in a broad number of areas. It was

believed that this law might give more power to the ulama and undermine GAM's leadership role, since GAM had always been a secular movement with uneasy ties to Islamic leadership. Many of the local ulama distanced themselves from this attempt to solve the Acehnese problem. An attempt to reorganize ulama politically, through the creation of the Association of Traditional Acehnese Ulama (HUDA) in 1999, also failed. HUDA took on a leadership role to organize an Acehnese Peoples' Congress in 1999. Yet, it faced harsh criticism from GAM and civil society activists. Under attack from all sides during its attempt to assume a new leadership role, it withdrew from the organizing committee of the Congress and left the political realm. The ulama had long lost a political leadership role in Acehnese society, and these events only confirmed that they could not reassert such a role (McGibbon 2006: 332–335).

With democratization, an alternative set of political channels could have opened and supported a group of moderate representatives. Indeed, a broad number of middle-class Acehnese in universities, government positions and large businesses were more strongly opposed to independence and favoured, instead, some form of autonomy. Yet, this group of technocrats and middle-class Acehnese had few supporters among the broader population as their association with the Suharto regime had largely discredited them. While some academics from Syiah Kuala University attempted to position themselves within the rising constellation of human rights organizations, nevertheless a vast majority of this group was ultimately seen as having been complicit with the repression of the 1990s.

For 20 years, the New Order regime nurtured the rise of a technocratic class, which thrived in Jakarta and became an active lobby group between the local provincial government and the Suharto regime. It largely displaced the previously influential group of ulama which enjoyed vast support and led Aceh following independence and the period of the Darul Islam rebellion in the 1950s (Kell 1995). During the DOM period, it remained close to the central government and was considered to be, at the very least, a silent partner of the regime.

It was difficult, therefore, to reposition itself after 1998 and assume a leadership role (McGibbon 2006). As part of this technocratic class, the local government was also unable to take on a new leadership role. When democratization occurred, all of the national and provincial parliamentary representatives remained in place, as well as the provincial governors. Appointed by the central government, these governors were essentially tasked with implementing central government policies and were cut off from the masses. National political parties tightly controlled elections to provincial assemblies under the purview of the government in Jakarta. As a result, the local government and parliamentarians remained illegitimate until some alternative form of governance could be put in place. This left a leadership vacuum that was subsequently filled by SIRA and GAM (McGibbon 2006).

The governor of Aceh, Syamsuddin Mahmud, and some local representatives did attempt to award themselves a new leadership role by proposing to the national parliament a draft bill on autonomy for Aceh. At the same time, a small

group of Jakarta-based Acehnese, who had distanced themselves from their previous technocratic elders but who nevertheless enjoyed some rising influence, particularly with their association with newly established political parties, such as the National Mandate Party (Partai Amanat Nasional – PAN), also seized the initiative to propose a new political arrangement for Aceh. The product of these initiatives led to the special autonomy law of 2001. The law came too late, however, and was largely overshadowed by the rising violence and GAM's role in the province (Bertrand 2004; McGibbon 2006).

Violent conflict in Aceh therefore followed an unexpected pattern following democratization. Initially there was an increase in protests and demonstrations, as exemplified by the rise of critical human rights organizations and particularly SIRA's referendum campaign. The inability of SIRA, a large umbrella organization of student and youth groups, however, to provide a more sustained and organized leadership role beyond its very successful demonstrations paved the way for GAM to position itself as the main representative. With its long struggle against the Indonesian state, it could successfully occupy this leadership role by mounting its own campaign of accusations and denunciations against the Indonesian state, while it reorganized militarily. Having some linkage to SIRA, it maintained a lower profile to observe whether the referendum campaign might yield results. Since it failed, and the Indonesian government and military clearly refused to negotiate, GAM became the dominant organization as violence re-escalated in subsequent years. It could also do so as the ulama proved a spent force, while the technocrats and existing provincial government representatives were largely discredited.

While the end-story was generally positive for Acehnese, it came at great costs. Following a peace agreement in 2005, GAM reintegrated the political sphere. A new Law on Governing Aceh (2006) gave broad and substantive autonomy that resulted from negotiations between GAM and the Indonesian government. GAM leaders ran in elections for governor and local elections, and GAM also formed a political party. The province held elections in 2006 and then in 2011 to 2012. While the democratization eventually produced a better outcome for Acehnese, and an elimination of the armed resistance movement, nevertheless the first few years saw a dramatic rise in violence, and an escalation between GAM and the armed forces as moderate Acehnese organizations were sidelined.

Diola (Senegal)

The Diola in southern Senegal have expressed separatist sentiments since colonial times. Due to its geographic separation from the northern part of Senegal, the Diola and other indigenous groups in the Casamance region were able to maintain their own languages and religion.[4] The Movement of Democratic Forces of Casamance (MFDC) was founded in 1947 not as a separatist rebel organization, but as a political party standing for Casamance interests. Following independence from France, the MFDC was absorbed into the single party state of President Léopold Senghor and remained quiescent for two decades.

It has been said that President Senghor promised to review the status of Casamance and the terms of its inclusion in the Senegalese state 20 years after independence in 1962. The first major demonstration of the reconstituted MFDC occurred in the regional capital of Ziguinchor on 26 December 1982, the timing clearly linked to this promise. It is estimated that anywhere from 1,000 to 100,000 Diola took to the streets and replaced Senegalese flags with a new flag symbolizing Casamance independence (Woocher 2000: 345). The literature distributed by the MFDC called on all inhabitants of the Casamance to fight for independence because repeated good faith attempts to co-exist with the Senegalese state had resulted in the economic, social and cultural deterioration of the Casamance region. Senegalese elites denounced this rhetoric, claiming that Casamance intellectuals were exploiting the situation to develop an autochthonous identity that could be mobilized for their own purposes (Thiam 1984). Violence between MFDC members and state military forces occurred sporadically throughout 1983, causing approximately 25 deaths. The Senegalese military was subsequently deployed in the Casamance region and given much leeway to arbitrarily arrest potential rebels and supporters of the MFDC (Woocher 2000: 356).

Senegal's imperfect democracy under Abdou Diouf operated with very restricted political competition and limited protection of civil liberties during the 1980s. Dakar accorded special attention to the Casamance region because of its restive nature and instituted a system of "quasi-martial law" as a means to root out the separatist problem (Manley 1998). Facing a repressive state, some members of the MFDC organized in 1985 a guerrilla group under the name Attika that would function as the military wing of the MFDC. To some extent, however, the formation of Attika was a consequence of changing leadership within the MFDC. Political ideologues behind the re-emergence of the MFDC, such as Diamacoune Senghor, had been arrested during the skirmishes in 1983, and veterans of the French and Senegalese armies that favoured a military approach took charge of the organization (Foucher 2007: 177). Attika remained hidden in the dense forests of the lower Casamance, training and collecting weapons until clashes with security forces began to escalate in the late 1980s and early 1990s. Attika primarily attacked military targets, but also civilians who were known to collaborate with Senegalese authorities. In retaliation, the army responded by arresting, torturing and executing hundreds of Diola for sympathizing with the separatist cause (Amnesty International 1998).

A first ceasefire agreement was negotiated between the MFDC and the Senegalese government in 1991; Sidy Badji, Commander of Attika and the Senegalese Defence Minister in Guinea-Bissau, signed it on 31 May.[5] This was followed by a second round of negotiations aimed at consolidating the ceasefire, resulting in the Cacheu Accords in 1992. These negotiations intensified a rivalry that was developing within the MFDC between Senghor and Badji. Senghor criticized the Cacheu Accords for not addressing the critical issue of Casamance independence, while Badji advocated that working towards peace from within various structures of the state should be the new mission of the MFDC (Diaw

and Diouf 1998: 280). This resulted in a bitter split within the MFDC, as Senghor and his followers affirmed their commitment to fighting for independence as the Southern Front and Badji's followers regrouped as the Northern Front. Although the Northern Front did not disarm, it rarely used violence in the 1990s and was active in helping with the economic development of the Casamance region.

Even though the gradual process of democratization began in 1978, the 1993 presidential elections marked the first time that the electorate voted in a genuinely competitive election. The Southern Front denounced the elections because of Diouf's firm stance on an indivisible Senegalese nation, and declared that anyone in the Casamance in possession of polling cards would be considered traitors. The Southern Front violently persecuted voters and set up landmines to prevent people from getting to the polls (Hall 1999: 16). The Southern Front also displayed its impressive military capacity by blowing up an International Committee of the Red Cross vehicle and launching a rocket attack on Ziguinchor Airport. Despite their best efforts, the Southern Front were not able to prevent more than 40 per cent of voters in the Casamance from turning out to the polls, only 10 per cent less than the national rate (Faye 2006: 38). The elections were followed by a short lull in conflict, but violence picked up again in 1995 after a major offensive by the Senegalese army. Weakened by the offensive, the Southern Front took part in dialogue with the government in late 1995, but were not genuinely interested in peace. The Southern Front most likely used the time to ready themselves for further combat. In 1997, the organization killed 25 Senegalese soldiers in an ambush attack, the army's most significant loss in a single attack to date (Faye 2006: 39).

The split of the MFDC into the Southern and Northern fronts changed the MFDC's relationship with the local constituency in the Casamance. Throughout the 1990s, tensions between Senegal and The Gambia and Guinea-Bissau, as well as ethnic ties between political elites in The Gambia and the Southern Front, created an ideal situation for the Southern Front to procure arms and set up bases outside Senegalese borders. Its decreased reliance on local populations for monetary and logistical support allowed the Southern Front the liberty to pursue indiscriminate attacks – of which they took full advantage – that put local civilians at risk. Furthermore, the offensive launched by the Senegalese army forced the Southern Front to flee into territory occupied by the Northern Front, spreading violence into a region north of the Casamance River that had been peaceful since the Northern Front decided to cooperate with the Senegalese state. The Southern Front terrorized "traitors" in Northern Casamance villages, forcing them to provide food and money against their will, and killing those who did not cooperate (Amnesty International 1998). Popular support for the Southern Front was eroded. By the end of 1990s, it operated in virtual isolation from its constituency, as most civilians in the Casamance were persuaded by Dakar's promise of peace and economic development in exchange for denunciation of the armed struggle.

Democracy in Senegal took a major step forward in 2000 when the opposition leader Abdoulaye Wade toppled the incumbent Diouf who had remained in

power for nearly two decades amidst accusations of corruption and election rigging. Upon accession, Wade declared that solving the Casamance conflict was a top priority. His commitment to a democratic solution was popular among war-weary Casamance civilians and some members of both fronts of the MFDC. Senghor, who a decade before had declined to negotiate with the government, led a significant portion of both fronts into a peace deal which set an agenda for future talks concerning Casamance autonomy in 2004. By this time, however, both fronts of the MFDC had split into several rogue groups, and the decision by Senghor and other political figures in the MFDC to work with Wade exacerbated these fissures. Isolated from external support and their domestic constituencies, both fronts of the MFDC became profit-driven bandits that used violence as means to secure natural resources. While the moderates in both fronts joined forces to negotiate with the government, those opposing the peace initiatives fragmented into even smaller competitive units that occupy resource-rich areas. For the most part, the remaining 2,000 to 4,000 rebels are unskilled men with no job prospects that are driven by greed rather than nationalism (Faye 2006: 50). The surges in violence in the Casamance since 2004 have frequently been due to clashes between factions of the MFDC over resources rather than separatist violence per se (United Nations 2006).

There was no clear moment of democratization in Senegal, but increasing opportunities to engage with the political process altered the structure of the MFDC. Diouf's conciliatory gestures within a democratic framework isolated the Southern Front from the Casamance people and the Northern Front. This weak position provided the impetus for the Southern Front to start terrorizing those it purported to represent and thereby provided some legitimacy to the heavy-handed repression applied by Dakar. The deepening of democracy finally convinced the remaining ideologues within the MFDC ranks that the political option is superior and more in line with the opinion of their war-weary constituency. It seems that the only reason violence is ongoing is because the exploitable resources in the Casamance region have turned the separatist war into a war of greed.

Moros (Philippines)

The Moros have rebelled actively against the Philippine state since the 1970s. There is a long history of resistance to integration, stretching back as far as the Spanish and American colonial occupations, interrupted by periods of accommodation and cooperation. The resistance is rooted in discriminatory policies of the Philippine state against its minority Muslim Moro population. Muslim Moros have resented the dominance of state and regional institutions by Christian Filipinos, inadequate socio-economic development opportunities, past injustices relating to land acquisition and migration of Christians to Mindanao and the Sulu archipelago, as well as failures to implement adequately alternative political solutions such as autonomy.

During the authoritarian regime of President Marcos, which lasted from 1972 to 1986,[6] the Moros united under the banner of the Moro National Liberation

Front (MNLF). Led by the former University of the Philippines professor Nur Misuari, the MNLF and its armed wing, the Bangsamoro Army, were created in 1972, leading to the dissolution of previous organizations representing the Moros, such as the Mindanao Independence Movement (MIM). The MNLF enjoyed a dominant position as representative of the Moro, since it mounted fierce resistance to the Philippine army for the subsequent four years. It also obtained support from the Organization of the Islamic Conference (OIC), Libya and Malaysia. Under international pressure and mounting casualties, the Marcos regime agreed to talks that led to the signing of the Tripoli Agreement of 1976, which became the landmark agreement offering autonomy to Muslims in 13 provinces and nine cities of Mindanao. The agreement was never implemented but it set a benchmark for future negotiations.

A more immediate impact of the 1976 agreement was a splintering of the MNLF. Under Misuari, the MNLF had adopted a nationalist rhetoric instead of an Islamic discourse. Furthermore, Misuari and intellectuals behind the MNLF were highly influenced by Marxist ideology, which had been strong on university campuses in this period (McKenna 1998: 41). Although the MNLF enjoyed very broad support in the early years of its formation, it was unable to dominate the elite. One splinter group was the traditional elite of local *datus*. Many of these traditional leaders had long cooperated with the Philippine state, and had been integrated to national political institutions as congressional representatives or provincial administrators as early as the period of American occupation. Although a small number of mainly young datus joined and supported the MNLF early on, several influential datus chose to support the martial law state. A few datus formed the Bangsa Moro Liberation Organization, but it enjoyed little support among Moros and dissolved a few years later after its leaders returned to Mindanao to rejoin the government (McKenna 1998: 161–162). Some rebel commanders surrendered to the government immediately before and after the Tripoli agreement, enticed by cash payments and government positions. Another faction of the MNLF, led by vice-chairman Hashim Salamat, challenged Nur Misuari for the leadership of the organization and offered, instead, an alternative direction based on Islam. The rift was exposed in 1977 after the failure of talks on implementing the Tripoli agreement; by 1980 Salamat had moved his faction to Pakistan. In 1984, he created the Moro Islamic Liberation Front (MILF) with a more explicit emphasis on Islam rather than nationalism that was previously espoused by the MNLF under Nur Misuari. In terms of its political goals, however, the MILF differed little from the MNLF (McKenna 1998: 207–208). Ethnic affiliations nevertheless constituted an additional layer of differentiation. While the MNLF maintained a stronger base among Tausugs in the Sulu archipelago, the MILF enjoyed greater support among the Maguindanao and Maranao of central Mindanao.

Consequently, at the time of the People Power revolution in 1986 which marked the beginning of democratization in the Philippines, there were two competing Moro organizations, both choosing armed resistance to the Philippine state and sharing goals of secession or autonomy for Muslim Mindanao. The

government of Corazon Aquino, under pressure to negotiate a settlement in the wake of new constitutional provisions for autonomy, opened negotiations only with the MNLF. Yet, the MNLF had been severely weakened by the intensive war in the 1970s, from which it had never recovered, as well as by defections of commanders and soldiers to the government following the failure of the Tripoli agreement and the enticement of traditional datu leaders. Meanwhile, still a young organization that also suffered from the defection of its main commander in the 1980s, the MILF was growing slowly and was not recognized as a main representative of the Moro. In spite of its attempts to create more linkages to Arab and other Muslim states, it failed to obtain recognition from the OIC, which continued to recognize the MNLF as the sole representative of the Moro people. As the signatory of the Tripoli agreement and beneficiary of more media attention, the MNLF enjoyed a unique position to negotiate with the Aquino government, in spite of its dwindling support. In response, the MILF, also seeking national recognition, staged a large demonstration that drew between 50,000 and 100,000 in Cotabato city, the heartland of MILF support at the time, but these events went almost unnoticed. As a result, the Aquino government negotiated only with the MNLF. Furthermore, the MILF strongly objected to a planned constitutional provision for autonomy in "Muslim Mindanao", thus moving away from the 13 provinces and nine cities agreed in the Tripoli agreement. When the Aquino government began negotiations with the MNLF, the MILF launched attacks against several government targets, forcing Aquino to meet and discuss a ceasefire (McKenna 1998: 244–246).

Violence continued and intensified more than a decade after democratization partly because of the continued split and competition between the two organizations. The MILF launched occasional attacks against government positions, while remaining unwilling (or unable) to sustain a much larger campaign against the Philippine armed forces. The Aquino government persisted in negotiating with the MNLF, with the expectation that an agreement would unify the Moros. President Ramos continued negotiations with the same assumption following his election in 1992. A breakthrough occurred in 1996 and a comprehensive peace agreement was signed between the MNLF and the Philippine government. Because of the agreement, several of the MNLF soldiers were retrained to be included into the local police or the military, while others were given compensation to reintegrate society. The MNLF leadership was offered opportunities to govern the Autonomous Region of Muslim Mindanao, which had been created by an Act of Congress during the Aquino administration. Nur Misuari was elected head of the ARMM government and was head of the Southern Philippines Council for Peace and Development (SPCPD), which was created to oversee development projects in the 13 provinces and nine cities of the Tripoli agreement. These measures were deemed temporary while they awaited a referendum on the expansion and revamping of the autonomous region. These plans were derailed in subsequent years, partly because of the discrediting of Nur Misuri's leadership of the ARMM, but also because of the strong alternative offered by the MILF (Bertrand 2000).

During negotiations between the MNLF and the government of the Philippines, the MILF had quietly been building up its strength. By 1996 it had a force of 12,000 combatants in 13 camps and a large number of other enclaves (Bacani 2005: 5). It rejected the peace agreement with the MNLF, since it considered that it had failed to address a number of issues such as the protection of ancestral domain. Although the MILF continued to present a position in favour of independence, it was actually ready to negotiate. Ceasefire agreements were reached between the Ramos administration and the MILF as soon as 1997, and discussions were initiated for rounds of negotiation. In subsequent years, as the ARMM and SPCPD under MNLF leadership became discredited, the MILF gained greater mass support in all regions. Violence increased very significantly in 2000 owing to the continued failure of the Philippine government to convince the MILF to accept the 1996 peace agreement and the MILF's continued ability to wage attacks against the Philippine army. Frustration drove President Estrada's decision to wage an all-out war against the MILF in 2000.

Meanwhile, alternative groups also sought to compete for support but were relatively weak. The Abu Sayaff, created in 1991, remained a fringe group with minimal support primarily in the island of Basilan. Although it successfully gained attention through a few attacks and kidnappings, it never gained broader support. Eventually it became more a criminal than a political organization. More significantly, traditional datus as well as family clans occupied most of the positions in the provincial and municipal governments of the Sulu archipelago and central Mindanao, as well as some representation as congressional representatives. After democratization their numbers and influence increased, but continued corruption and lack of development severely limited their support among the broader Muslim population. While the latter had previously shifted much of its support to the MNLF, growing numbers now supported the MILF rather than actually supporting either the new MNLF-controlled ARMM government or traditional politicians. Between 1996 and 2012, the MILF became increasingly relevant. Successive negotiations mainly led to ceasefires and little progress, although a new agreement under President Benigno Aquino (Jr) appeared at the time of writing to offer new hope.

Competition between two armed organizations with similar objectives contributed significantly to the continuance and subsequent rise of violence in Muslim areas of the Philippines. Attempts by the Philippine government to ignore the MILF and negotiate only with the MNLF failed to create a moderate centre around the 1996 peace agreement that could sway the Moros in favour of peace. Instead, the MILF offered an increasingly strong alternative that challenged the MNLF's position because the Moros saw little improvement from the MNLF–Philippines government peace agreement.

Miskitos (Nicaragua)

The Atlantic Coast of Nicaragua is home to several indigenous groups, of which the Miskito Indians are the largest.[7] Throughout the colonial period, the Miskitos

successfully resisted Spanish colonization with the aid of the British. The British had an interest in maintaining a trade alliance with the Miskitos, but not directly administering the territory. Its status as a British protectorate allowed the Miskitos to use their native language and practise their customs with minimal interference from the Nicaraguan state until the mid-nineteenth century. Britain and the United States finally recognized Nicaragua's sovereignty over the territory in 1860. Repeated attempts by the newly independent Nicaraguan state to integrate the Miskitos into the Nicaraguan nation were unsuccessful owing to the marked ethnic and cultural differences between the dominant mestizos and Miskitos, as well as the strong remaining British influence (Sánchez 2007: 10–11). This period of relative freedom from foreign interference ended for Nicaragua in 1912 when the United States began another occupation of the country, which once again provided the indigenes of the Atlantic Coast with relative autonomy.

As the United States began to withdraw, Nicaraguan military commander Anastasio Somoza García consolidated his power. He was inaugurated as President on 1 January 1937, thus beginning the lengthiest dynastic dictatorship in the history of Latin America. The Somoza regime took a primarily economic interest in the Atlantic Coast region. The regime built infrastructure and financed many development projects in the 1950s and 1960s in an attempt to both modernize the Atlantic Coast and exploit its abundant natural resources for the benefit of the Nicaraguan state (Vilas 1989: 68–70). This intrusion did aggravate feelings of resentment among Miskitos because many of the projects involved the expropriation of Indian communal lands; Miskitos organized to stop these incursions. They tried to petition the "Somocista" state through the minimal political channels that were available, but they also burned tracts of forest to prevent the state from taking their pinewood and lands (Ortiz 1988: 6).

There is disagreement in the literature as to what extent Miskitos and other indigenes were the victims of cultural oppression under the Somozas. Cleary (2000) and Ortega (1991) argue that the Somocista state made no attempt to assimilate the Miskitos into the Nicaraguan national identity, while Vilas (1989) and Ortiz (1988) are sceptical of this view and suggest that the regime did make at least a tacit attempt to pursue homogenization. Nevertheless, the emergence of ALPROMISU (Alliance for Progress of Miskitos and Sumus) in 1974 indicates that an ethnic movement was manifesting on the Atlantic Coast.[8] The stated goals of ALPROMISU quickly changed from those of a socioeconomic nature to explicitly cultural ones and it attracted support from all over the northeast region of the Atlantic Coast (Hale 1994: 127). The Somoza regime did accept ALPROMISU demands to participate in local government and offered the organization a seat in the national Congress, but kept a close eye on its activities.

The Miskitos were insulated from the Sandinista revolution that swept away the Somoza regime. Few, if any, Miskitos took part in the revolution or had any association with the Sandinistas. Consequently, the revolutionaries were ignorant of the cultural differences separating the Atlantic and Pacific Coasts, and treated indigenes as economically backward and exploited peoples who would benefit from the FSLN programme of national liberation and social emancipation.

The revolutionary viewpoint was expressed in a Declaration in 1981 that affirmed the "territorial unity and political unity of the Nicaraguan nation" (Vilas 1989: 107). The Sandinista leadership believed in a top-down approach to politics, but did allow some participation in decision-making bodies such as the council of state to grassroots organizations representing various interests such as women, youth and rural workers. Because of its commitment to national unity, the revolutionary government was at first opposed to ALPROMISU participation in the council of state, but decided to grant it a seat in 1980 under condition that the organization recognized the principles of the revolution. The successor of ALPROMISU – MISURASATA (Miskitos, Sumus, Ramas, and Sandinistas Working Together) – worked from within the Sandinista institutions in 1980 to promote Indians' demands. Initially, MISURASATA shared the revolutionary viewpoint and pursued modest indigenous rights such as the right to land, education and culture, but its demands soon escalated. MISURASATA argued that the formation of the Nicaraguan nation-state came after the formation of Indian nations. This manifested into a demand for outright independence for a territory that made up over one-third of the Nicaraguan state. The radicalization of MISURASATA's demands heightened tensions between the organization and the Sandinistas.

The fact that the US provided support to MISURASATA because it associated the organization with the broader anti-Sandinista movement was not the main reason that the conflict became violent (Vilas 1989: 125). The leaders of MISURASATA effectively built on pre-existing communal and religious structures in Miskito communities to garner an avalanche of popular support. As their social base grew, MISURASATA elites became increasingly confident that they could pursue a political programme centred on cultural and territorial demands in direct defiance of the Sandinistas (Hale 1987: 108). The threat MISURASATA posed to Nicaraguan sovereignty became too serious, and the Sandinistas arrested around 24 MISURASATA leaders in early 1981. Within days, thousands of Miskitos had crossed the Honduras border to prepare for war with the Sandinistas. Stedman Fagoth, the leading figure in MISURASATA, drew upon the support base of the organization to form the armed group MISURA (Miskitos, Sumus, Ramas). The new MISURASATA leader, Brooklyn Rivera, supported a less intransigent position that centred on continuing cooperation with the Sandinistas.[9] He ended up leaving Nicaragua in late 1981 after deciding that the political alternative had no popular support and little future (Hale 1987: 111). The intense Miskito rebellion that lasted until mid-1984 began in December 1981 when MISURA insurgents conducted a series of offensives, killing 60 people associated with the Sandinistas. The government responded by evacuating Miskitos from the Rio Coco region along the Honduras border to use as a base to wage its counter-attack. In doing so, the Sandinistas increased the generalized resentment towards the state among Miskitos and drove them to support MISURA unequivocally (Hale 1987: 112).

In the midst of the simultaneous wars with the Contras and MISURA, the revolutionaries moved from a transitional government to holding open elections. The council of state passed an electoral law modelled on West European

practices in 1983, which led to a national election in 1984. International observers noted that the election of FSLN candidate Jose Daniel Ortega Saavedra to the presidency and a FSLN majority to the national assembly was the result of a legitimately open electoral contest (Walker 1997: 10).

The position of the Sandinista government towards the Atlantic Coast changed dramatically during the democratization process. A new indigenous organization – MISATAN (United Miskito People of Nicaragua) – formed in 1984 with the support of the government. It was hoped that MISATAN could act as an interlocutor between the Miskitos and the government, but its leadership could not establish a broad support base among Miskitos owing to its ties to the FSLN (Vilas 1989: 158). The government also initiated conversations with MISURA and MISURASATA concerning issues such as autonomy, natural resources, welfare and cultural rights. These discussions revealed that the goals of both MISURA and MISURASATA were nearly identical – autonomy with constitutional recognition of Indian nations – but the rivalry between Fagoth and Rivera prevented the unification of the organizations (García 1996: 110). Counter-revolutionary leaders and the US government tried to integrate MISURASATA and MISURA into a new organization, Asla (Unity), but MISURA hardliners quickly dissolved Asla and created a new organization, KISAN (Union of Coast Indians in Nicaragua), which was committed to continuing the war against the Nicaraguan government. Fagoth and Rivera were in opposition to KISAN, and competition between MISURASATA, MISURA, KISAN and MISATAN for exclusive rights to representation of the Miskito people made it difficult for autonomy negotiations to continue. Armed conflict between MISURASATA and MISURA and the Sandinistas decreased after mid-1984, although minor violations of various ceasefire accords were reported (Butler 1997: 221–222).

Representatives of MISURASATA, MISURA, KISAN and MISATAN took part in the ongoing autonomy discussions that started in 1984 with the formation of the national autonomy commission by the FSLN. Although there was opposition from within the armed organizations and MISATAN, no one made a serious effort to derail the autonomy process. The national assembly approved the autonomy statute for the regions of the Atlantic Coast of Nicaragua in September 1987 with the intention of empowering regional governments to execute policies that would cater to the interests of the various indigenous communities of the Atlantic Coast. Moreover, Nicaragua's new Constitution promulgated immediately prior to the autonomy law declared, "the Nicaraguan people are multiethnic", marking the end of the Nicaraguan nation-state project. These concessions led to a shift in mobilization strategy from violence to politics by the major organizations. There were small factions within all the organizations that opposed autonomy, but fighting between Sandinista troops and MISURASATA, MISURA and KISAN petered out in the late 1980s.

Since the defeat of the FSLN government in the 1990 elections, Miskito and other indigenous leaders have experienced some setbacks and victories as they attempt to consolidate the powers invested in the two Atlantic Coast regional

governments. The neoliberal governments led by the National Opposition Union in 1990, the Liberal Alliance in 1996 and the Constitutionalist Liberal Party in 2001 have all been wary of losing control of the resource-rich Atlantic Coast, but over time have shown a greater willingness to respect the spirit and letter of the autonomy statute. The re-election of Ortega and FSLN's victory in the national assembly elections in 2006 bode well for autonomy because the FSLN initiated the project and its members were critical of the neoliberal governments' attempts to undermine it.

The various Miskito armed groups unified in 1987 under the name YATAMA (Sons of Mother Earth) and officially converted to a political organization in 1990 to contest in the first regional elections. The unification put an end to the hostilities between Fagoth and Rivera and re-established a degree of coherence to the Miskito movement, much like MISURASATA did during the Somoza and early Sandinista periods. YATAMA had its best results in 1990, winning 22 of 45 seats in the North Atlantic Autonomous Region (RAAN) and four seats out of 45 in the South Atlantic Autonomous Region (RAAS). YATAMA has been involved in the organization of large protests and seizures of government property in recent years, but there is no indication that a return to guerrilla activity will occur unless the central government seriously undermines autonomy.

Papuans (Indonesia)

The converse of the Acehnese situation occurred in Papua. Because of the past inability of rebels to unite under one strong organization, moderates were able to occupy the leadership position in the aftermath of the democratic breakthrough. Furthermore, as their legitimacy grew among the broader population, they were able to convince armed groups to follow non-violent means of pursuing Papuan interests. In this case, therefore, a moderate organization dominated the post-democratization period, thereby significantly eliminating violence.

Papuans have resisted ever since they were integrated to Indonesia in 1969. The Dutch ceded West New Guinea to the UN in 1962 under international pressure, and with the promise of a UN-monitored referendum on its future status. In turn, the territory was granted temporarily to Indonesia in 1963 and, in 1969, the Indonesian government formally integrated it through a UN approved "Act of Free Choice" that was strongly contested for having been manipulated by the Indonesian government and held under a climate of intimidation and repression (Bertrand 2004: 144–160; Osborne 1985: 41–48). Since then, the Organisasi Papua Merdeka (Free Papua Movement – OPM) has been actively resisting the Indonesian state. Weak, divided and poorly organized, it mainly conducted small raids on military posts, police stations, or other government targets, but with little engagement with the armed forces. It was never able to mount a significant large-scale guerrilla movement. Nevertheless, it became the symbol of resistance to Indonesian rule.

The process of formal integration was not the only reason for resistance. Military operations to weed out the OPM affected civilians in many areas.

As reports of human rights abuses increased, the military diminished the scale of its responses but violence against civilians, torture, disappearances and shootings continued. In addition, migration, education and cultural policies by the state fostered assimilation. In the 1970s and 1980s, the government sponsored a transmigration programme with the province, renamed Irian Jaya, as one of its important sites. Furthermore, it supported spontaneous migrants who arrived in much greater numbers. Education emphasized an Indonesian curriculum, with Bahasa Indonesia being the sole language of education. Papuans were also denied many of their cultural practices, often seen as subversive (Defert 1996).

When democratization began in 1998, the nationalist elite seized the opportunity to create a civilian movement. A group of 100 delegates representing all sectors of Papuan society met with President Habibie in 1999. They shocked him when one of their leaders blatantly denounced the 1969 Act of Free Choice as an illegitimate process and demanded independence. In subsequent months, a Papuan People's Congress was organized and its first meeting drew thousands of people from all sectors of Papuan society. A declaration supporting independence was adopted and a Presidium (PDP) was created as a representative of the Papuan people.

The PDP under the leadership of Theys Eluay soon gained ascendancy as a legitimate representative of Papuans, although it had no formal institutional recognition from the government. With strong popular support, it was able to convince OPM leaders to join them and mobilize peacefully for Papuan self-determination.[10] The transitional governments of Presidents Habibie and Wahid tolerated meetings of the Papuan People's Congress to take place and the PDP to be formed. Once demonstrations began to raise the Papuan independence flag, however, and as the congresses and PDP continued to press for independence, Wahid was formally reprimanded by the People's Consultative Assembly (the highest ranking legislative body in Indonesia) for allowing political activities in Papua that threatened national unity. Under pressure on these issues and struggling to maintain power, Wahid began to crack down on the PDP and the flag-raising incidents.

The crackdown on the PDP led to diluted and scattered political representation. The OPM did not significantly change its practices, although it continued some attacks, particularly on the border with Papua New Guinea. Nevertheless, it has not played a significant leadership role among the broader population in recent years. Other groups among civilians have chosen formal institutional channels. Following the 2000 crackdown, the government supported a special autonomy bill. Initiated by local Papuan bureaucrats and academics, the bill was wide-ranging and promised very significant autonomy, as well as provisions for a referendum (Bertrand 2004: 158–159). Its final form, which came into effect in early 2002, was highly diluted and contested from its inception by many NGOs, church groups and community leaders. It was particularly undermined by measures to divide Papua, leading to the creation of the province of West Irian Jaya in 2003. Since then, government positions at the provincial, district and sub-district level, as well as the newly created Papuan People's Assembly (MRP), have been

mostly Papuans, in sharp contrast with pre-democratization days when most of the positions were held by non-Papuans. As a result, these changes have created a divided, yet loyal, constituency supportive of special autonomy and reaping benefits from the resources made available under the law. The Dewan Adat Papua (Papua Traditional Council – DPA), on the other hand, held a symbolic ceremony in 2005 to "return" the special autonomy law to the central government, having declared it a failure. Other, similar ceremonies have been held since. A broad number of Papuans continue to view special autonomy with suspicion and are unsupportive of the new institutional arrangement.

The decline of violence after democratization resulted from the dominance of moderate, civilian organizations in the first few years following the end of the Suharto regime. The congresses and the PDP created broad support until the government started repressing them in 2000. Since then, neither violent groups such as the OPM, nor civilian organizations have been able to re-create a strong, single leadership. Papuans remain divided between an organization now espousing the use of formal channels created under the special autonomy law, while a large, discontented majority of Papuans have few alternatives to representation. The DPA has attempted to play such a leadership role but it has not gained the ascendancy of the former PDP. In the face of division and lack of organization, violence and organized protest activities are rare, but it disguises continued deep conflict.

Multiple organizations and violence: marginalization and the weakness of moderate alternatives

A few observations emerge from this overview of six cases. Given that we selected cases on variance of outcomes, obviously we see varied patterns of violence following democratization. More significantly, in all cases, we observe with democratization an increase in the number of organizations claiming to represent an ethnic group. They are often splinter groups from a dominant rebellious organization that operated under authoritarian rule, but occasionally new organizations or channels of representation are created. Democratization generally leads to multiple organizations and competition. Beyond these observations, however, further processes influence violent outcomes.

First, there is a striking parallel in the starting point of almost all of these cases. Authoritarian regimes generated a sufficient amount of resentment among ethnic minorities that armed organizations were formed and violence chosen. These organizations tend to be dominant under authoritarian regimes and enjoy popular support. This was certainly the case for ETA in Spain, the MNLF in Mindanao and MISURA in Nicaragua, and to a lesser extent the OPM and GAM in Indonesia, as well as the MFDC in Senegal. In these latter cases, organizations were dominant but not necessarily capable of sustaining violent attacks in the last few years of the authoritarian regime. Their popularity was also not as easy to assess, given the levels of repression. In all cases, of course, repression by the armed forces was high. Nevertheless, repression in itself was not always a

barrier to mounting rebellious activities. While it was certainly the case for some organizations, such as GAM or the OPM, it was not the case for the MNLF or MISURA. A longer view of the role of repression under authoritarian regimes would enable the identification of the circumstances under which intra-group ethnic organizations consider violent rebellion to be a viable strategy. Of course, this falls way beyond the scope of our current analysis.

Second, democratization or sometimes liberalization prior to democratization created institutional incentives for a split in intra-group ethnic organizations. A significant exception is the MNLF, from which the MILF emerged as an alternative guerrilla organization without any impetus from democratization. It was also the only case with competing violent organizations and only minor ideological differences. Others, such as ETA and MFDC, split during a climate of liberalization that created some space for political mobilization. Such a window allowed ETA-pm to pursue a political strategy alongside a military one, and to reject the pure armed struggle espoused by its rival ETA-m. Such a decision was further stimulated by its perception that it needed to compete against the moderate PNV for support, which quickly re-established itself as a representative of Basque interests after the fall of the Franco regime. MFDC, on the other hand, split into moderate and extreme factions, whereby the Northern Front chose to cooperate with the government in order to focus on the economic development of the Casamance region.

Third, moderate organizations either returned or were created to occupy the space between armed ethnic organizations and the government. In some cases, splinter organizations from rebellious organizations chose, as previously mentioned, paths that are more conciliatory. In other cases, moderate organizations returned, such as the PNV in Spain, or new ones were created. MISATAN, for instance, was created specifically to provide a new platform for dialogue between the government and the Miskitos, although it was initiated by the government and so obtained little support. In Papua, the Papuan People's Congress created the PDP to represent Papuan demands through dialogue and negotiation. A similar but weaker role was played by Aceh's umbrella organization SIRA, which never crystallized into a well-structured alternative organization to GAM. Nevertheless, SIRA offered a new channel for protest and channelling of Acehnese grievances.

Fourth, against this backdrop of increased numbers of organizations and competition, violence persisted in cases where armed organizations felt marginalized or where moderate options were quickly reduced. The first few years of transition to democracy are crucial. During that period, popular support has often been spread relatively evenly according to violent organizations, splinter groups, or new moderate organizations. After a democratic regime stabilizes, some organizations lose their support once new channels for representation have been established. Often one organization becomes a strong and credible representative that negotiates new settlements with the government.

Among organizations that continued to use violence as a means to assert their presence, ETA and the Southern Front of the MFDC offer interesting parallels.

They faced a loss of support and increasing marginalization. They continued violent strategies in an attempt to regain their lost dominant position and undermine moderate organizations seeking compromise with the government. Facing the strengthening power of moderate organizations, however, their actions soon became irrelevant. As a result, ETA-m and the Southern Front's attacks diminished over time. In the case of the Southern Front of the MFDC, it became a different kind of organization, no longer advancing separatism.

Other organizations continued violence where moderate organizations failed. In almost all cases where violence diminished, moderate organizations represented significant alternatives that allowed for a negotiated settlement with the government. Where governments were most open to settlement, moderate organizations largely prevailed. The case of Nicaragua is clearly striking in this respect, where negotiations included all parties and where a settlement led to profound changes in the organization of the Nicaraguan state. Lesser compromises were still effective, where moderates gained ascendancy, as in Spain and Senegal. On the other hand, violence resumed and moderates were closed off in Aceh, where GAM gained dominance and popularity as it became evident that the civilian movement behind SIRA was obtaining few results. The slow and unconvincing approach of the Indonesian state was costly as it undermined a moderate alternative and contributed to the subsequent rise of violence and support for GAM.

Mindanao and Papua see mixed processes at work. In the Philippines, given competition between two strong armed organizations, the continued violence occurred because of the marginalization of the MILF, and failure of the MNLF to provide a convincing alternative once it reached a negotiated settlement. The MILF was marginalized from the negotiation process, in contrast to the Nicaraguan approach of including all organizations. As a result, it continued its attacks following the 1996 peace agreement with the MNLF, and then benefited from growing support for continued violence as the agreement met with little sustained political support from the Philippine government. In Papua, the government offered few moderate alternatives, since it refused to negotiate with the PDP and instead worked with a weak set of Papuan officials toward a limited form of autonomy. In this case, however, the OPM had already reduced its violent tactics and had chosen to follow the PDP. When the latter was repressed, it was difficult for the OPM to launch new attacks, since it had always been very weak.

Democratization, then, has very significant effects on the number of intragroup ethnic organizations, competition between them and the support they receive from their constituencies. During democratic transition, these organizations reached a height of competition as moderates and extremists sought to establish their relevance. State responses at this point are important. Where rapid and genuine concessions occur, they often contribute to the elimination or marginalization of violent organizations, but sometimes the reduction in violence is delayed. Nevertheless, cases show that violence persists or increases only in cases where moderates are unable to gain ascendancy in the new democratic environment and when the state is reluctant to compromise.

Notes

1 Although difficult to establish empirically, given the restricted access to the region in the 1990s and paucity of empirical research, long discussions in 1996 with Jafar Siddiq Hamzah, a prominent Acehnese human rights lawyer, and a brief visit to Lhokseumawe provided some indication of this direction. Subsequent mobilization of GAM in 1998 showed the extent of support.
2 *Gatra* 6, no. 1, 20 November 1999; *Tempo* 29, no. 37, 13–19 November 2000.
3 Interview, former GAM leader, 28 March 2008, Banda Aceh (Indonesia).
4 The Diola ethnic group make up 60 per cent of the population in Casamance, but only 5 per cent in Senegal. The Diola and other groups in the Casamance region are predominantly Christian and animist, whereas the majority in northern Senegal are Muslim. Different dialects of the Jola language are spoken across the Casamance region, which are, for the most part, mutually intelligible. The Diola are the main group driving separatism in the Casamance region, but other indigenous groups also identify with the cause and participate in the MFDC.
5 The agreement provided for a full withdrawal of military forces and an end to hostilities. It also facilitated the release of Diamacoune Senghor.
6 The year 1972 marks the beginning of the martial law period, although Marcos had become increasingly authoritarian during his second term (1969–1972).
7 The Sumus, Ramas, Creoles and Garífunas also make their home on the Atlantic Coast. It is a mistake to treat the indigenes of the Atlantic Coast as a single ethnic group, but some members of these groups have joined Miskito-dominated ethnic organizations to pursue autonomy and group rights at various times. However, they have also come into conflict with one another over politics in the Atlantic Coast region and formed different organizations to represent their different viewpoints.
8 ALPROMISU called itself an organization of Miskitos and Sumus, but Miskitos dominated its leadership and composition.
9 MISURASATA did mobilize as an armed movement against the Sandinistas in alliance with the Revolutionary Democratic Alliance (ARDE) from 1982 to 1984, but with a much smaller force than MISURA.
10 Interview, Theys Eluay, 8 August 2001, Sentani, Papua (Indonesia).

7 Democratization and recognition of difference in a Chinese society

The Taiwanese experience

André Laliberté[1]

This chapter explores the institutional factors that made it possible to avoid violent inter-ethnic conflict during Taiwan's[2] democratic transition. Violence was a real possibility considering the nature of the previous authoritarian regime, which excluded the ethnic majority from the higher echelons of power. Taiwan thus represents an interesting case of "the dog that did not bark": a transition from an authoritarian to a democratic regime in which the previously dominant ethnic minority faced the risk of suffering violent retribution from the ethnic majority, yet such violence did not occur. Taiwan's rapid economic growth and relative socio-economic equality can only partly explain this outcome. Instead, this chapter focuses on institutional factors that facilitated generally peaceful inter-ethnic relations during the process of democratization.

I argue that even before the creation of a minimal procedural democracy, informal inter-ethnic alliances were established to diminish the adverse effects of ethnic minority domination. This factor was crucial in alleviating the potential for violence once democratization began. The ethnic cleavage in Taiwan has pitted immigrants from Mainland China (hereafter "Mainlanders") against people born in Taiwan before 1945. That year, the ruling political party, the Nationalist Party of China (or Kuomintang, hereafter KMT)[3] put in place a government excluding native Taiwanese,[4] thereby imposing minority domination. Yet, at the time of democratization, the same political party realized that it could not govern on a narrow ethnic base and, instead, had to encourage the formation of informal inter-ethnic alliances and find supporters in the Taiwanese ethnic majority. The process of democratization would later institutionalize some of these informal alliances, and entrench them in ways that could later transcend political affiliations.

The KMT, controlled by the Mainlander minority, incorporated or gave some form of influence and clout to two groups: the Hakka and the aboriginal people of Taiwan, which considered themselves ethnic minorities within the native Taiwanese majority. Both groups had histories of grievances with the Hoklos, the largest ethnic group within the native Taiwanese population (Lamley 1981). As opposition to the KMT grew in the 1970s, however, informal alliances with these groups did not suffice to ensure its hegemony in Taiwan. The ruling party also had to cultivate good relations with key constituencies within the Hoklo

population. Some of the most visible and powerful of these were defined by religious affiliations. The scope and the endurance of these informal alliances help explain why the KMT could later successfully engineer a democratic transition without losing power in the process. These alliances were developed as early as in the 1950s, when the KMT realized that it could not recover Mainland China, and had to rely on support from the local population (Domes 1993: 119). The recruitment of members of the ethnic majority did not translate into majority group political empowerment for decades, but a process was set in motion which would ensure that the transition towards democracy could proceed smoothly and that the previously excluded ethnic majority would consider it legitimate.

The context

Democratization can affect negatively relations between ethnic communities, especially when ethnic majorities that were previously repressed find themselves in a position to assert their power. The probability of violent retribution is high, as the case of Iraq reminds us. After 1945, ethnic minority dominance prevailed in Taiwan. Leaders from Mainland China ruled through the use of an authoritarian political party and its affiliated security. Although they shared many cultural traits, native Taiwanese and Mainlanders were divided by the legacy of 50 years of Japanese colonial rule in Taiwan: native Taiwanese had gone through half a century of acculturation and assimilation to Japanese culture,[5] while Mainlanders had lived through war against Japan. The ethnic divide grew out of the regime's brutal repression of an anti-government protest on February 28, 1947. KMT soldiers killed thousands of people, mostly from the Hoklo majority (Kerr 1966; Tkacik 2003).

During the period of martial law, from 1947 to 1987, this cleavage was not recognized officially because the KMT, to bolster its legitimacy in Taiwan, promoted the idea that residents of Taiwan were Chinese and would eventually be reunited with a Free China. Leading members of the KMT however considered the sociological reality of the ethnic divide as a central fact of life in the island. As a consequence, argued Jürgen Dome (1993), the ruling party, aware that its rule was unsustainable without some measure to include the ethnic majority, devised a strategy of recruitment that aimed at finding a broader base of support. Crucially, it is during authoritarian rule, and before the establishment of some sort of minimal procedural democracy, that the KMT started to build inter-ethnic alliances, thereby ensuring that the dominant minority would avoid retribution from the majority if and when Taiwan eventually democratized.

When the KMT relocated its government on the island following its defeat at the hands of the Communist Party in 1949, it imposed a transformative ideology of nation-building that aimed at turning Taiwanese into Chinese. KMT leaders suspected native Taiwanese elites of disloyalty to China because they believed that they had been too influenced by the Japanese during their colonial control of the island from 1895 until 1945. Consequently, the KMT excluded them for decades from the higher echelons of political power. In turn, the majority of

native Taiwan's inhabitants viewed the KMT government as part of a Chinese minority imposing its domination. After his retirement from politics, in a controversial address President Lee Teng-hui admitted that Taiwan had been a colony of the Chinese KMT (2005).

Societies that have experienced such minority domination are likely to experience difficult transitions to democracy. Taiwan belongs to a category of states moving from ethnic minority to ethnic majority domination. In these cases, the risks are high that the ethnic majority may seek to exact revenge against the ethnic minority for real or perceived abuses against it or for its refusal to share its privileged access to power. The sectarian conflicts that pitted militias of the Shi'a majority against the Sunni minority in Iraq, which had been empowered by the Ba'athist Party, represent an example of a formerly oppressed majority that seeks to obtain redress at the time of democratization. Burundi, where the Tutsi minority could not accept the results of the 1993 election that empowered the Hutu ethnic majority and plunged the country into a civil war (Kaufmann and Haklai 2008: 756), represents a case of a dominant minority that refused to share power.

Despite the explosive legacy left by ethnic minority domination, the transition to majority rule does not always translate into violence, as the example of South Africa's transition has shown. In this case, democratic leaders had the foresight to push for a multiracial and multi-ethnic post-apartheid South Africa. This choice proved crucial to limiting the possibility of inter-ethnic violence. In Taiwan, although the literature in the late 1980s and early 1990s pointed to the "explosive potential" of inter-ethnic relations, the predicted outbreak of violence never materialized (Gold 1993: 175). Ten years after the early democratic opening of 1987, outside observers commented on Taiwan's civic nationalism and the ability of its political leaders to overcome ethnic divisions (Schubert 1999). What made it possible for an ethnic minority that dominated an entire society – sometimes through violent means – to escape the scourge of retribution from the ethnic majority that suffered from its exclusion from power, when the latter became capable of exerting such revenge?

Hypotheses

Inter-ethnic tensions existed before, during and after Taiwan's democratic transition. However, they never reached the level of alacrity observed in some other democratizing societies. To understand why, I look first at factors influencing inter-ethnic relations during periods of democratization and probe whether these factors were present in Taiwan.

First, the effects of international factors may be relevant, especially for a society like the ROC that is so vulnerable to international pressure because of its lack of international recognition. Such pressure can work out in two different ways: the need to secure international support ensures that political leaders are likely to adopt policies that encourage the provider of help to continue its support, and international norms may compel leaders to adopt policies that

improve their standing in international organizations. These factors matter a great deal in Taiwan, which depends on the support of the United States, and which seeks recognition from the international community for its existence as a sovereign state. Although the United States did not worry too much about the nature of Taiwan's domestic politics during the first decade of the Cold War, the presidency of Jimmy Carter's emphasis on human rights made it imperative for the Taiwanese government to make an effort in this direction if it wanted to continue receiving American support. The loss of diplomatic recognition from most countries in the 1980s also made it imperative for the Taiwanese government to appear as a model of respect for minority rights, as it sought to join international organizations. This context can explain why Taiwan's leaders opted to support minority rights but not the depth and breadth of policies that would transform inter-ethnic relations.

As Haklai and Bertrand note in the introductory chapter to this volume, some researchers advance primordialist explanations based on ancient hatreds to explain ethnic conflict during democratization. From that perspective, democratic transitions open up possibilities for ethnic groups to rekindle age-old animosities that were suppressed by authoritarian regimes (Deutscher 2005). It is true that Taiwan has experienced for centuries a history of conflicts over land between different ethnic communities, involving settlers against aboriginal people, and later Hoklo and Hakka groups of settlers against each other. However, during the period of democratization, it is not these ancient conflicts that came to the fore. Rather, it is the more recent ethnic cleavage between Mainlanders and native Taiwanese that opposed two populations that were not previously self-identified as distinct ethnic groups. As will be made clear later, memories of collective violence in inter-group relations *did* matter, not in the outbreak of ethnic conflict but in shaping the contour of informal inter-ethnic alliances. The Taiwanese experience suggests that ancient memories of inter-ethnic conflicts can be exploited to build new inter-ethnic alliances undermining the explosive potential of more recent ethnic grievances.

The impact of ideology is another feature of Taiwan's political culture that is relevant for other societies going through democratization. To justify its rule, the KMT enforced an ideology that tried to impose the idea that Taiwan is a Chinese province and therefore that its destiny was part of a reunified China. By mobilizing symbols and cultural resources, it certainly contributed to the reification of many attributes that would in turn give more value to some of the markers of identity subsequently used by ethnic groups to advance their own claim for recognition. For instance, the KMT turned the use of local vernacular languages into acts of political defiance when it imposed Mandarin as the language of instruction, and when it punished those who used local languages in the public sphere. However, the second dimension of the KMT ideology, the insistence that it represented "Free China" in contrast to the PRC, had the unintended effect of giving legitimacy to demands for democratization and the expression of a variety of opinions, including competing visions about national identity and the necessity to recognize the cultural rights of the ethnic majority.

Elites, in turn, played important roles by defining the nature of the democratic transition and dampening inter-ethnic conflicts. Two kinds of elitist approaches have tried to understand the effects of democratization on inter-ethnic relations. The first claims that ethnocentric elites whip up feelings of resentment against ethnic minorities. This view certainly holds true in societies where the ethnic majority controls the levers of power and sets up ethnic minorities as scapegoats. Yet, in Taiwan the ethnic majority did not hold important positions in the governing structure until the democratization process was well underway.

A second approach claims that political leaders may *a contrario* favor inter-ethnic reconciliation to gain, or remain in, power (Peterson 2006). In his findings on Zambia and Kenya, for example, Posner (2007) argues that leaders seek to create broader appeals and reach out to larger groups in order to stay in power. The KMT did so by jettisoning its previous ideology supporting a hegemonic Chinese identity, in order to gain the support of a majority that did not recognize itself in this "imagined community." This approach, as Bertrand and Haklai mention, raises two questions: under what circumstances do political leaders find it preferable to rely on inter-ethnic reconciliation rather than polarization, and under what conditions are appeals to ethnicity more likely to buttress the legitimacy of their rule? Some institutionalist approaches have shown that when institutions, parties, and media are weak, appeals to ethnicity are more likely to succeed. This would certainly not apply to Taiwan. The ROC under martial law was a highly sophisticated party-state that exercised corporatist forms of control throughout society. The ruling KMT remained strong through all stages of the process of democratization, and the media, although subjected to censorship, rapidly gained prominence after the lifting of martial law. As a result, appeals to ethnicity could be made, but counter-discourses that emphasize civic nationalism could be asserted with equal vigor.

The question then becomes: What are the institutions doing to ensure that the process of democratization will not degenerate into inter-ethnic conflict? Cabinet-level institutions such as the Council for Aboriginal Affairs and the Council for Hakka Affairs, established in 1996 and 2001 respectively, certainly contributed to giving recognition to cultural identities and granted legitimacy to their demands. They could act to provide security and therefore diminish inter-ethnic tensions and generate a sense of participation in the political system. As the narrative below will make clear, the institutions preventing the drift towards the escalation of ethnic conflicts were put in place after the process of democratization became well entrenched. However, it is clear that some of these institutions were established informally during the authoritarian era, most importantly via the composition of the ruling party's higher echelons of powers, and via the dynamics of local factions that became more responsive to some groups' demands for recognition.

The nature of civil society, however, is perhaps more important. As Varshney has argued, it is more difficult for ethnic entrepreneurs to mobilize ethnic groups in the presence of a dense network of inter-ethnic associations (Varshney 2001, 2002). Ties across ethnic lines offset the effects of majoritarian rule over

minorities and the insecurities of minorities that may fear calls for retribution from members of the ethnic majority. In Taiwan, informal alliances between ethnic minorities and the ethnic majority,[6] particularly within major religious associations, contributed to the diffusion of tensions.

Inter-ethnic cleavages in Taiwan

The key ethnic divide between "Mainlanders" and the rest of the population is certainly debatable from an anthropological point of view, but it remains politically salient to this day. Politicians wishing that Taiwan would become a sovereign state often suspect that residents originating from China, or whose parents were born in China, cannot be counted on being loyal to Taiwan. Many Taiwanese citizens who are the target of this prejudice have internalized this perception, and identify as Mainlanders. In doing so, they implicitly admit that they maintain an emotional attachment to China, the country where they or their ancestors were born. Some go further by rejecting "Taiwanese" as a legitimate marker of identity, claiming that every resident of Taiwan is "Chinese." Although Mainlanders and a majority of other Taiwanese residents share attributes such as language,[7] religion,[8] and customs, giving some credibility to the claim that they are all ethnic Chinese, a majority of Taiwanese residents do not identify as such – no more than English-speaking Canadians identify as British. In sum, the divide between Mainlanders and native Taiwanese is not primordial but purely contextual, and relates to the circumstances of China's weakness in the nineteenth century, the effects of Japanese colonial rule in Taiwan, the invasion of China, the Chinese Civil War, and finally the Cold War.

The variety of ethnic identities and cleavages in Taiwan is important. These ethnic cleavages illustrate the modernity and the fungible quality of ethnic identities in striking ways. To make sense of them and their use in the politics of the ROC, I borrow from Melissa Brown's own straightforward taxonomy (Brown 2004: 10). "Mainlanders" are known in Mandarin, the official language spoken in the island, as *waishengren*, or "people from outside the province." The Taiwanese majority, when using in Mandarin an ethnonym to distinguish themselves from the *waishengren*, call themselves *bendiren*, or "people from this place." Both groups are culturally Chinese, and they can be described as Han, as ethnic Chinese are called in the People's Republic of China (PRC). The Chineseness of these groups distinguishes them from Taiwan's aboriginal people.

Like "Mainlanders" and *waishengren*, the terms "Taiwanese" and "*bendiren*" are also highly contextual, since they can refer to different types of populations: they can refer to all the inhabitants of the island, regardless of their ethnicity. This is the view of the proponents of a civic form of nationalism, and sets Taiwanese apart from immigrants, guest workers, foreigners and visitors from the PRC. But these terms can also refer to the Hoklos, a group within the Han population of Taiwan who are not Mainlanders, and who speak a language used in the province of Fujian in Southeast China. Hoklos represent an overwhelming majority among the Han Taiwanese who are not considered Mainlanders.

Some Hoklo ethnic nationalist activists have appropriated for themselves the name "Taiwanese," thereby excluding not only the "Mainlanders" and the aboriginals, but also another group that will be discussed below, the Hakkas (Brown 2004: 9). For the sake of clarity, this chapter uses Taiwanese in its civic nationalist meaning, in reference to every citizen of the ROC. As will be made clear later, it is important to be aware of these cleavages within the non-Mainlander Han – or native Taiwanese – majority to understand why the Mainlander ethnic minority was able to rule over Taiwan and has avoided retribution during the process of democratization.

As was suggested above, a closer look at who were the Mainlanders reveals how much ethnic identity is contextual, but also how much state engineering can give it substance. The Chinese who emigrated to Taiwan after 1945 were civil servants, soldiers, and other individuals working for the KMT when it lost power to the Communist Party of China in 1949. They were followed by approximately two million people from a number of different provinces, speaking a variety of languages and dialects. The native Taiwanese, for their part, had been subjects of the Japanese empire for half a century. They also spoke different languages, all of which were spoken in slightly different forms in the provinces of Fujian and Guangdong in China. The KMT, distrustful of the islanders, put in place an administration that was dominated by Mainlanders, and imposed on the island *Guoyu*, the official language of the Republic of China, even though the vast majority of the population spoke a different language. The education's curriculum focused on the history and the geography of China rather than Taiwan's, and the use of *Minnanhua*, the language of the Hoklo ethnic majority, as well as of Hakka, was banned in public.

In short, the KMT propaganda that Taiwan was a province of China served to convince the population of the island that everyone was Chinese and saw any advocacy of a distinctive Taiwanese identity as a crime of sedition comparable in severity to advocating communism. In other words, although the cleavage between Mainlanders and native Taiwanese was denied officially, it was very real for Hoklos and other Taiwanese residents whose mother tongue was not Mandarin, and who were told that their language could not be used in public. Although the "native Taiwanese" and the "Mainlander" identities were artificial constructions, it was a central social and political reality throughout the 40 years of the Martial law period. The exclusion of the native Taiwanese majority from the circles of power was the clearest expression of that reality. While numbering less than 15 percent of the island population, 72 percent of the KMT cadres in the provincial government were Mainlanders in 1975 (Dickson 1996: 55) and in the same year barely five of the 22 members of the powerful KMT standing committee were native Taiwanese (Hood 1997, 60).

This description of the politically salient ethnic cleavage that matters most in Taiwan has so far left out other inter-ethnic dynamics that are extremely important to capture in order to understand the ways in which the domination by the Mainlander minority could be maintained in Taiwan from 1947 until 1987, and, more importantly, why the onset of democratization did not lead simply to

Bendiren majority rule. Two other ethnic cleavages mattered for centuries before the Mainlanders-native Taiwanese one emerged. The first sets apart the aboriginal population of Taiwan against all other inhabitants of the island. The aboriginal people are related to the Malayo-Polynesian linguistic family, and have more in common with groups in the Philippines than the Chinese. Brown sets the aboriginal people (*yuanzhumin*) apart from the *Hanzu*, or ethnic Chinese, a category inclusive of both Mainlanders and native Taiwanese (2004: 10). Although the distinction between *Hanzu* and *Yuanzhumin* mattered for most of Taiwan's history, its political salience has diminished since the nineteenth-century, as successive waves of migration dramatically reduced the proportion of aboriginal people in Taiwan's population. *Yuanzhumin* represented in 2000 less than 2 percent of the total population (GIO 2002, 24).

While the aboriginal people's declining numbers rendered their grievances less significant, another cleavage remained important among the non-Mainlander Han populations. Chinese settlers who moved to Taiwan over centuries before the island was ceded to Japan in 1895 came from two regions of South China: Southern Fujian, and Northeast Guangdong. The first region is home to populations that speak *minnanhua*, a variety of dialects unintelligible to Mandarin speakers. The descendants of this group form about 65 per cent of Taiwan's population. They are known collectively as Hoklo and the southern part of Taiwan is considered their political bastion, in contrast to the Mainlanders who are concentrated in Taipei and the East coast. Northeast Guangdong is the cradle of the Hakkas, the second group of people whose ancestors came to Taiwan before 1895. Known in Mandarin as *kejiaren* (guest people), they have a long history as a distinct group within the Chinese population. While the ethnologists of the PRC do not consider them a distinct ethnic group within the Han population, Hakka people claim a unique lineage but also significant contributions to the history of China and the overseas Chinese (Erbaugh 1992). Hakkas are concentrated in Taoyuan and Miaoli counties, in Northwest Taiwan, and have fought over land against Hoklos for decades before and during Japanese colonial rule. The collective memories of Hakka and Hoklo past rivalries have fed Hoklo prejudices against Hakka, and Hakka anxieties over prospects of Hoklo hegemony during the last decades of authoritarian rule (Lamley 1981: 317).

Early on, the KMT had realized after relocating to Taiwan that domination by the Mainlanders would be difficult to maintain if it relied solely on the use of force. Informal political alliances between Chinese, Hakka, and aboriginal people were crafted to ensure that its rule would be seen as legitimate. Although the higher echelons of the KMT and the military remained in the hands of Mainlanders, the party sought early on to recruit cadres among the Hoklo population, and the army followed suit by gradually promoting Hoklo officers. Moreover, while the Mainlanders exercised their political hegemony, they did not intervene to curb the activities of Hoklo entrepreneurs and gave them free rein to transform Taiwan's economy. Aboriginal and Hakka leaders, who had been weary of Hoklo numerical superiority, did not see Mainlanders as their adversaries and therefore supported the KMT. The KMT actively promoted a policy of

"Taiwanization" during the 1970s, and sought in this way to co-opt potential threats to the party (Dickson 1996: 56). Lee Teng-hui, a Hakka educated in Japan and the US, and who became KMT Chairman and ROC President from 1988 to 2000, represented the culmination of this alliance.

The concerns of the Hakkas and aboriginal people over Hoklo majority rule were grounded in their tumultuous relations with the ethnic majority before and during colonial rule. Aboriginal people were victims of expropriation and massacre by Hoklo and Hakka settlers for centuries, and were progressively displaced to Taiwan's mountainous regions. Hoklo and Hakka settlers fought against each other for land, and Hoklos generally had the upper hand because of their numerical strength. Aboriginals and Hakkas were excluded from the ruling structure during the Japanese colonial era, and as a result, when the KMT asserted control in the island after 1945, it faced social and economic elites that were Hoklo. Many KMT leaders in Taiwan did not trust the Hoklo elites because of these previous links with Japanese rulers, and therefore naturally saw in Hakka and aboriginal people potential allies. Because of these legacies of colonial rule, the latter also saw good reason to support the KMT. The 1947 massacre and the 1950 land reform would entrench this configuration. In the aftermath of the February 28 massacre, Hoklo elites were targeted, thus reinforcing the ill-will of this ethnic group vis-à-vis the KMT, while land reform, which helped poor Hakka farmers, contributed to cement their support for the KMT (McNair 2001).

The crafting of this informal inter-ethnic alliance during the early stage of KMT rule, however, does not suffice to explain its endurance throughout the process of democratization, when it became clear that the KMT obtained a greater proportion of the vote than the numbers of Mainlander, Hakka, and aboriginal communities combined. Altogether, the number of votes won by the KMT through successive cycles of presidential, legislative, and local elections surpassed the 38 percent of the population that these three groups represented. Conversely, the DPP, the main opposition party that claimed to defend the interests of the 63 percent of Taiwan's population that identify with the Hoklo majority, never succeeded in obtaining more than 50 percent of the total vote. In the latest legislative elections, in 2012, the KMT-led pan-Blue coalition of parties received 51 percent of the popular vote (FTNC 2012). Although the inter-ethnic alliance of the KMT helps explain the success of this party in maintaining its domination during the Martial Law period, this is not sufficient to explain its degree of support in the 1990s.

Ethnic cleavages are not the only means by which Taiwanese define themselves. Religious affiliations also play a role. They do not coincide with ethnic identities, and do not represent cleavages similar to Sunni and Shi'a in Iraq, or Catholics and Protestants in Northern Ireland. Although religious practices represent an important part of Taiwanese – and arguably Chinese – social interactions, they do not create divisions and for the most part are not associated with inter-communal strife. Although many people in Taiwan would identify with a specific religious tradition, their adherents have not established organizations

comparable to those which Arend Lijphart observed in the Netherlands or Belgium, where individuals who belong to a religious or linguistic community would join professional, cultural, and educational institutions that are totally identified with the communities to which they belong (1968).

Only half of the Taiwanese population are officially registered as believers by the Ministry of Interior's Civil Affairs Department. A greater number, however, practice certain rituals that do not fit easily with the traditional definition of religion. These rituals have long been identified as the expression of local identities and the reaffirmation of kinship ties. There exists also a great diversity of practices and affiliations that seldom overlap with ethnicity. Although many Catholics are Mainlanders, and although the Taiwan Presbyterian Church is a denomination that favors independence, these two religious communities, with altogether fewer than 500,000 adherents out of a population of 23 million, are too few in number to be electorally significant. Buddhist associations, on the other hand, count altogether more than four million self-declared adherents, and the prestige of their leaders in the broader society ensures that their public utterances have political consequences.

These associations control a significant amount of resources, and own their own media and network of health care services. Their leaders are major public figures whose impact on Taiwanese society compares to that of Protestant evangelical leaders in the United States. The origins, career, and ambitions of these associations' leaders challenge expectations about Taiwanese identity and its political consequences. Hsing Yun, the founder of the Buddha Light International Association (BLIA), was born in China and still looks to the Mainland as his homeland. Unsurprisingly, many Mainlanders support him and his association. However, the small number of Mainlanders, and the variety of beliefs or degree of skepticism on religious matters that they profess, suggests that a far greater number, that is, the majority of supporters and contributors to the BLIA, are Taiwan-born. The other major Buddhist lay association, the Tzu Chi Foundation, represents a similar paradox. Its leader and founder, Cheng Yen, is a woman from Hualien who is considered Taiwanese but she has never supported Taiwanese independence and never took sides in politics. Her association recruits its supporters across the island, and its appeal reaches to all ethnic communities. In this case too, the majority of Taiwanese who belong to her organization hold views on Taiwan's politics that have little to do with the ideals of the pan-Green camp, as the group of parties led by the DPP is called. The pan-Green camp is generally popular among Hoklo voters, who favor independence.

Mainlanders, Hakka, aboriginal people, and Hoklos cannot be defined by their religious affiliations. When one considers the variety of religious beliefs in Taiwan, one of the most striking facts is that none of the major religions are associated with any particular ethnic group. There are a few exceptions, but they are marginal, and they cancel each other out. As we have seen above, Catholicism, and many of the small new religious movements which came to Taiwan following the exile of many KMT supporters in the late 1940s, count less than a million followers altogether (GIO 2002: 453), and are primarily religions

followed by Mainlanders. Conversely, adherents of the Presbyterian Church, a faith that was established in the island before Japanese colonial rule, have not succeeded in attracting Mainlanders. However, they have had some success with aboriginal people and Hoklos. Most importantly, however, the large lay Buddhist associations, regardless of the ethnic origins of their leadership, have recruited adherents who belong to different ethnic groups of the island, and defy easy categorization with respect to their political beliefs.

The institutionalization of differences

During the first decades of KMT rule, all ethnic distinctions within the Taiwanese population were ignored. All citizens were considered Chinese, with the exception of aboriginal people, who were classified as *gaoshan zu* (mountain people), or *pingpu zu* (plains people). Yet, behind this official denial of ethnic diversity, the KMT under its leader Chiang Kai-shek and his son Chiang Ching-kuo put in place a policy of Taiwanization that consisted in recruiting a significant number of Taiwanese and gradually promoting them to the higher echelons of power. Moreover, with two initiatives Chiang Ching-kuo consolidated the alliance between the KMT and the Buddhist associations. He supported the largest of the Buddhist organizations, the Tzu Chi Foundation, by sponsoring the construction of its hospital, and he encouraged the rise within the party of two important Buddhist lay figures, Chen Lu-an and Wu Po-hsiung, who were well connected with the other major Buddhist organization Foguangshan. While Chen was a Mainlander, Wu was a Taiwan-born Hakka.

Chiang also promoted Lee Teng-hui, another Taiwan-born Hakka politician who was educated in Japan but received his PhD in agronomy in the United States before undertaking the land reform policy that contributed to Taiwan's economic miracle. Lee Teng-hui succeeded Chiang following his sudden death in 1988. He was not a Buddhist but a member of the Presbyterian Church. Because of his background as a Hakka, Lee first appeared to the KMT Mainlander elites as easy to manipulate. But his affiliation to the Presbyterian Church helped to cast him as a native Taiwanese representing the inhabitants of the island irrespective of their ethnicity and beliefs, sharing with them an attachment to Taiwan and a rejection of authoritarian government designed to create a unified China. Lee outmaneuvered the KMT Mainlander factions within the party by favoring reformist leaders who supported a continuation of Taiwanization. Another alliance facilitated this strategy. Lee gave state recognition to the Way of Unity (or *Yiguandao*) religious movement, which claimed more than 800,000 followers in 2000 (GIO 2002: 453). This recognition went further than Chiang Ching-kuo's legalization of their activities after Chiang Kai-shek had banned it. With this new alliance, and many similar others, Lee strengthened the position of reformist KMT politicians who favored greater Taiwanization.

As Lee consolidated his power within the party, he brought in more Taiwanese in its leadership, including the powerful Central Committee and the military. By the time Lee faced the electorate in the first free presidential election in 1996,

he could credibly assert that the KMT was no longer the party of the Mainlanders. The creation of the Council of Indigenous Peoples in December 1996 represented an additional step in the consolidation of the ethnic alliance that Lee had created. Lee also worked to establish the Council of Hakka Affairs but the institution was set up in June 2000 by his successor Chen Shui-bian, only one month after Lee completed his mandates as ROC President and KMT Chairman. The institutionalization of these identities represented the formal recognition of the alliances the KMT had established while it was in power.

This institutionalization is almost as significant for what it left out. Mainlanders refused to be recognized as a minority because they viewed themselves as Chinese, and they believed that all Taiwanese, with the exception of aboriginal people, were also of Chinese descent. Therefore, the policy of recognition that the KMT developed generated a paradox: the minority that could most likely suffer from the ethnic majority's retribution did not seek to institutionalize its status as a minority. The fact that Mainlanders had not sought recognition or juridical protection for their collective rights suggested that they were confident in their ability to stay in power thanks to their alliance with aboriginal people and Hakkas, as well as the Buddhist organizations' support for the KMT.

This all makes sense if we consider the role of cross-cutting alliances the KMT engineered with its policy of recognition. Along these policies of selective recognition of key ethnic groups, the KMT also proceeded with the institutionalization of religious identities. This was seen as important because with the consolidation of Lee's control within the KMT, many Mainlanders saw a threat to their hegemony. The coalition that Lee was trying to build showed signs of instability in 1996 when Foguangshan, one of the major Buddhist associations that the KMT had supported, sponsored the candidacy of a former KMT politician against Lee during the presidential election. During the last years of Lee's mandate, tensions had emerged within the KMT and the alliance frayed further. Lee was finally expelled from the party after he refused in 2000 to endorse for the ROC presidency the KMT candidate Lian Chan, his former vice-president, who he saw as too close to Mainlanders' interests. After Lee's expulsion, the Way of Unity, which had benefited from supporting him, distanced itself from the KMT and, like Lee himself, became more supportive of the pan-Green in the ensuing years.

One crucial element of the coalition the KMT had built, however, had remained firmly in place following Lee's departure. Buddhists maintained their support for the KMT and, if anything, support became stronger after Lee left. Buddhist associations had supported Lee not because they supported his pro-Taiwan stance but because he was supportive of their needs. With him gone, the malaise over their support for him had dissipated. The more pro-China KMT under Lien Chan and Ma Ying-Jieou favors the interests of Buddhist associations, which aim to expand their activities in the PRC. At the beginning of the second decade of the twenty-first century, there were no signs that this alliance was going to unravel. The number of Buddhist adherents is greater than those of other organized religions, and their organizational capacity rivals that of their

Christian rivals, which have far less adherents. The DPP President Chen Shuibian could not overcome this coalition.

Ethnic cleavages and political outcomes

The results of the 2012 legislative and presidential elections showed how the inter-ethnic alliances of the KMT worked. Since 2000, the party system has been firmly polarized between two camps: the pan-Blue camp, which is supported massively by Mainlanders – and favors a policy of accommodation towards China – and the pan-Green, which veers towards independence. The pan-Blue camp comprises the KMT, the Peoples' First Party, and the New Party. Mainlanders vote overwhelmingly in favor of these parties, as do a significant proportion of the three other ethnic groups. The three parties do not differ fundamentally on matters of national security and economic policy. The pan-Green camp regroups the Democratic Progressive Party (DPP) and the Taiwan Solidarity Alliance. Its policies are similar to those of the pan-Blue camp in many respects but it differs from it in one crucial respect: it has failed to attract a significant number of Mainlanders. The pan-Blue camp always managed to win Legislative elections – in 2001, 2004, 2008, and 2012 with majorities or pluralities of 53 percent, 49 percent, 53 percent, and 51 percent, respectively.

Clearly, Lee's policy of recognition paid off for some of the constituencies that the KMT wanted to include in its inter-ethnic alliances. KMT and its PFP ally won five of the six seats reserved for aboriginal people in 2008, and kept four seats in 2012. In 2008, the DPP candidate gained only one of these seats, and an independent candidate won the last. In 2012, the DPP lost its last seat for aboriginal people. Despite the identification of the DPP with aboriginal people, aboriginal leaders and their followers did not react well to its program. The areas where the Hakka people are concentrated, such as Hsinchu and Miaoli counties, have repeatedly voted in large numbers in favor of pan-Blue candidates in all legislative and presidential elections since 2000.

The inter-ethnic alliances forged by the KMT, however, could not suffice to explain why the party and its political allies won. Clearly, not only the Mainlanders, the Hakka, and the aboriginal people supported these parties. Obviously, a number of issues preoccupied voters and convinced most of them that pan-Blue parties were more competent in delivering social services or creating the conditions for economic prosperity. Still, considering the efforts made by the pro-Green camp to emphasize the importance of ethnicity and to demonstrate its attachment to defend the interests of the Taiwanese, its failure to reach the 50 percent mark and its decline since then need further explanation.

The importance of religious affiliation has proven especially clear with respect to Buddhist organizations, and in particular the two largest lay associations of that denomination, Foguangshan and the Tzu Chi Foundation. The numerical importance of these two organizations and their penetration of the Taiwanese population via ownership of broadcasting stations, websites, and publishing houses ensure that they have an influence over Taiwan's electorate that

matches the religious Right in the USA. Like the latter, and in contrast to the Presbyterian Church of Taiwan, they do not advocate progressive politics or identity politics, which they view as divisive and contrary to their religious ideals. In short, these institutions inspire a significant number of voters to support parties in the pan-Blue camp by articulating agendas that are contrary to those of the pan-Green parties.

Two other factors are sometimes put into the equation to understand the peaceful transition of Taiwan towards democracy: the external threat the People's Republic of China posed to Taiwan, and a sense of gratitude vis-à-vis the KMT for steering Taiwan on the way to economic prosperity. Threats from the Chinese leadership could have dampened ethnic divisions in Taiwan by ensuring that the population would "rally around the flag" against threats to its survival. Ethnic divisions could also have been minimized because the ethnic majority stood to benefit economically from the development policy engineered by the KMT early on. These factors deserve consideration below; however, they might be necessary, but they are not sufficient explanations.

With respect to the proposition that Chinese threats have dampened inter-ethnic division, the argument was certainly credible to KMT leaders. For them, the belief that Taiwan could be infiltrated by communist saboteurs provided ample justification for implementing martial law as early as 1947. Accordingly, they saw the notion that Taiwanese were not Chinese as a serious threat to their rule and looked at it as an act of sedition, sowing seeds of division and weakening social cohesion. In other words, the threat of Chinese intervention, far from leading the KMT to greater openness vis-à-vis the ethnic majority, was likely to make it more intransigent. This was certainly the case in the 1950s and 1960s: even though the ruling party sought discreetly to cooperate with some members of the Hoklo elites, it nevertheless considered any reference to the grievances of the ethnic majority as subversive. Therefore, the threat of China, if anything, could only have aggravated rather than dampened the effect of inter-ethnic cleavages, as it would have been easy to accuse Mainlanders of being a fifth column.

The argument that economic prosperity helped soften ethnic divisions is not entirely convincing either. The foundations for Taiwan's high-growth rate may have started under the rule of Chiang Kai-shek, but economic growth did not translate into general prosperity for the population until much later, in the late 1980s. It was only when President Lee Teng-hui, a native Taiwanese, affirmed throughout his tenure as KMT Chairman the empowerment of native Taiwanese within the ruling party, the security apparatus, and the government, thereby entrenching the process of democratization, that the population had reasons to support the party. Thus, when Taiwan became a new industrialized country whose population could be described as middle class, the KMT had already started to transform itself into a democratic party where the leadership counted more Hoklo Taiwanese.

Conclusion

This chapter has argued that it was not early recognition of minority rights but rather pragmatic arrangements during the martial law period that allowed the dominant ethnic minority to offset the negative consequences of its rule over the ethnic majority and prevented the emergence of potentially dangerous resentment among the latter. Among these arrangements, the policy of recognition for religious associations served both as a reward for their support of the regime, and as a way to ensure fragmentation within the ethnic majority. The exceptional circumstance of a political leader belonging to the politically marginalized ethnic majority who combined shrewdness and vision also ensured that once the democratic process unfolded, the same tactics could serve to dampen rather than exacerbate ethnic tensions. In sum, the legacy left by the authoritarian regime was crucial. If the KMT had not nurtured links with the ethnic majority, informally co-opted some minorities in the power structure, and fostered the development of inter-communal associations that cut across ethnic cleavages, it would have been very difficult to avert a drift into inter-ethnic violence during the process of democratization.

The Taiwanese experience is unique in the context of East Asia, however, and cannot easily be replicated in China, Vietnam, or North Korea, because of these countries' distinct political structures. Even if these states were initiating a transition towards democracy, the strategies adopted by the KMT to ensure a peaceful democratic transition would hold little relevance because ethnic majorities already govern them. On the other hand, the experience of Taiwan could be relevant to other societies where ethnic minorities have ruled. They can learn how to prevent violence and ethnic majority calls for retribution during the transition.

Notes

1 I would like to thank Cho Kyuhoon for research assistance.

2 Officially known as the Republic of China (ROC).

3 *Kuomintang*, or Nationalist Party. The "nation" that the party refers to in its name is China, not Taiwan. The KMT, like the Chinese Communist Party (CCP), considers Taiwan a part of China. Until the end of Martial Law in 1987, it was considered seditious to say otherwise in the island, and it remains unthinkable in China. The KMT, however, does not wish Taiwan to be governed by the CCP, and since the 1991 declaration of Lee Teng-hui terminating the "period of mobilization against the communist rebellion," the KMT and the ROC government (that is, government headed by the opposition party) recognized the right of the CCP to rule China, even though the CCP has yet to reciprocate.

4 As will become clearer later, I use "Taiwanese" in this chapter to mean a *de jure* notion of nationality, to include all inhabitants of Taiwan, or the ROC, regardless of their origin in Taiwan or in Mainland China. When I discuss the main ethnic cleavage in Taiwan, I distinguish between native Taiwanese (*bendiren* – literally "people from here") and Mainlanders (*waishengren* – "people from outside the province"), a usage that is widespread in Taiwan.

5 In the last decades of Japanese colonial rule, Taiwanese had to adopt Japanese names, were conscripted to fight in the Imperial Army, and the language of instruction was

Japanese. President Lee Teng-hui (1988–2000) was representative of that generation: he did part of his university education in Japan, and many Taiwanese liked to comment that his command of the Japanese language was better than his Mandarin or his native language, Hoklo.

6 Lamley prefer to talk about Hoklo and Hakka sub-ethnic ethnic groups within an ethnic group when he discusses a cleavage between Taiwanese versus Chinese. The taxonomy used in this chapter distinguishes between native Taiwanese and Mainlanders as a politically salient cleavage, wherein native Taiwanese includes two Han ethnic groups (Hoklo and Hakka), as well as aboriginal people, while the Mainlanders represent a distinct ethnic group.

7 As I make clear below, this does not mean that all residents of Taiwan have the same native tongue, but simply that both Mainlanders and native Taiwanese can read Chinese scripts and understand Mandarin, which was enforced as the language of education.

8 As above, Taiwanese practice a wide variety of religions, but most of these religions, including local forms of popular religions, are also practiced in Mainland China.

8 Ethnically based redistributive policies in democratizing bipolar states

Brian Shoup

In a critique of the democratization literature, Thomas Carothers (2002: 6) argues that scholars of democratic change have often conflated any move away from authoritarian forms of government with a move towards democracy. Problematically, the transition narrative may miscast the dilemmas that seem to bedevil many countries that appear to be perpetually stuck in a space somewhere between the two poles of authoritarianism and consolidated democracy. In this chapter I examine how democratization efforts in many postcolonial contexts are impacted by mythologies of ethnic dominance that can limit the probability of a state moving to a more transparent and open politics. In particular, I look at a category of ethnically plural states that are characterized by a form of heterogeneity where at least one group possesses sufficient numbers to try to claim dominance over politics. Milne (1981) and Reilly (2006) have identified these bipolar states as possessing structural features that generate incentives for a type of zero-sum politics in which political authority is viewed as the sacrosanct property of one ethnic community. A resurgence in the literature examining these sorts of autochthonous claims has stressed the importance of ethnic myths and symbols that justify such claims for authority (Geschiere and Jackson 2006; Kaufmann 2004; Marshall-Fratani 2006).

This chapter moves beyond the mythological justifications for power and examines how ethnically based redistributive (EBR) policies impact, and are impacted by, electoral democracy and its attendant institutions in postcolonial, ethnically divided societies. EBRs consist of those public policies that take resources from one or more ethnic communities in a society and target them towards specific groups with the stated intention of lessening the gap in economic performance between ethnic groups. Such policies include affirmative action programs, positive discrimination, and other rules that are intended to improve economic opportunities for target groups. While some multi-ethnic states have implemented such programs to ostensibly aid poor minorities, for example, India, the broader array of EBRs direct resources away from wealthy minorities towards majority ethnic communities.

This practice is not incidental. Rather, my main contention is that EBRs are less oriented towards "leveling the playing field" between ethnic groups and are more oriented towards creating and maintaining a dominant ethnic core. These

policies are an important part of an overall government strategy that can maintain some degree of inter-ethnic stability in light of the sometimes centrifugal tensions inherent in ethnic politics. This stability comes at the cost of full and equal democratic participation by all ethnic groups. By extension, this implies that the difficulties often attributed to democratic reforms are less institutional and more closely related to ethnic polarization and ethnic majority rejection of the possibility of dominance by non-majority communities.

Thus, like several others in this volume, this chapter points to the ambiguous reciprocal impact of democratic transitions and ethnic group relations on each other, and the possibility that democracy's accent on popular sovereignty will be translated into ethnic majority group domination, particularly in postcolonial societies. Laliberté (Chapter 7) explains how a Mainlander minority cultivated links with the Hoklo majority in Taiwan in order to minimize a sense of minority domination. The Taiwanese experience offers valuable insights into how ethnic tensions might be successfully mitigated by reliance upon common and unifying ethnic symbols and myths. However, in some cases the perceived benefits of political dominance can outweigh the costs of cross-ethnic appeals, particularly when there are no credible assurances that a newly empowered ethnic group will not use political authority to punish its ethnic competitors. Hence, it may be the case that for many states, democratization is less a process with a clear and widely accepted end-point, and rather a semi-permanent state characterized by attempts at marginal political liberalization that do little more than cast a veneer of democratic legitimacy on an otherwise ethnically hierarchical system.

It should be remembered that with few exceptions, states in the postcolonial world achieved independence espousing commitments to democratic inclusion for all citizens and professing national projects that reflected their multi-ethnic character. Nevertheless, many postcolonial societies quickly regressed to authoritarianism (Rabushka and Shepsle 1972) or replaced inclusive national ideologies with ones that privileged certain groups over others (Wimmer 1997). Examples include Nigeria, Uganda, Pakistan, Sri Lanka, Malaysia, Fiji, and Zimbabwe. In each of these cases, procedural democracy proved difficult to reconcile with competing ethnic claims, yielding polities marked either by periods of authoritarian rule or hybrid regimes that blend elements of authoritarianism with competitive politics. I argue that claims of indigenous privilege and policies like EBRs, which are manifestations of this type of privilege, ultimately imperil democratization by making those parties associated with minority ethnic communities illegitimate.

It is important to note at the outset that not all postcolonial states are the same in terms of their ethnic plurality, or in the relationship between ethnic politics and democratization. A number of plural societies, such as India and Tanzania, have proven remarkably capable of sustaining democracy despite immense ethnic pluralism. There are a number of postcolonial states, however, whose ethnic pluralism is characterized by what has come to be known as bipolarization. In bipolar states there are comparatively few ethnic groups and at least one of these groups possesses the ability to monopolize political power. Such

polarization frequently generates incentives for groups to mobilize out of a fear of domination by other groups. Reilly (2006) discovers that among countries in the Asia Pacific region, those characterized by bipolarism are vastly more likely to be authoritarian or semi-democratic. In contrast, countries in the region with high degrees of ethnic pluralism, measured using Fearon's (2003) fractionalization index, are all democracies.[1]

This chapter, therefore, focuses on bipolar societies because they tend to exhibit the types of problems we often associate with ethnic diversity and democracy. Many scholars have suggested an inverted "U"-shaped relationship between ethnic heterogeneity and phenomena like conflict and authoritarianism (Horowtiz 1985; Wurfel 2004; Reilly 2006). According to this logic, communal contestation is more likely when there are a relatively small number of ethnic groups and at least one of these communities possesses sufficient numbers to potentially dominate the political process. Under such a scenario, incentives for inter-ethnic cooperation typically decrease as larger ethnic communities (and the elites who try to mobilize them) are less inclined to share power with other groups. In contrast, ethnically homogeneous societies, owing to the presumed existence of broadly shared hegemonic values, are more typically stable since the consequences of democratic competition are less likely to be zero-sum in nature. Finally, states with high levels of ethnic heterogeneity are less likely to have at least one ethnic community that can dominate politics by virtue of numbers. The logic of the "U-curve" argument suggests that there is something about bipolarity specifically, and not ethnic plurality more broadly, which generates incentives for communal competition under democratic rules.

Furthermore, EBRs as mechanisms for conflict management have special salience in bipolar societies as the overwhelming majority of these states experienced colonial-era policies that created and ossified economic disparities between ethnic groups (Milne 1981; Shoup 2008). More importantly, colonial politics in these societies gave majority groups powerful future claims for dominance by helping to develop mythologies of indigenousness that privileged their welfare over other ethnic groups. Put simply, it is in this context that we observe countries characterized by one group claiming a monopoly of political power while another group dominates economic assets.

Following a brief theoretical discussion of EBRs, this chapter turns to a discussion of change over time in three postcolonial bipolar societies – Fiji, Malaysia, and Sri Lanka – where independence was achieved with highly inclusive democratic governments, but quickly encountered substantial difficulties in maintaining inter-ethnic cooperation. In each of these cases, EBRs were introduced to simultaneously limit extremist outbidding claims and to underscore the special and non-negotiable dominant position of ethnic majorities. Of special significance to my discussion is the existence of ethnic mythologies, widely shared by group members and articulated by ethnic elites, which justify a social hierarchy in which ethnic majorities are paramount.[2] It is these myths, and not overarching civic claims of national membership announced at independence, that underlie many national projects and delimit the potential and opportunities

for democratization efforts. Indeed, as each state moved towards independence there was a stated desire for open and transparent political exchange among communities. And yet, ethnic myths about a privileged position can impair the processes of democratization. For parochially oriented ethnic elites, open democratic competition is viewed, at best, as a meddlesome set of institutions that should be manipulated to ensure continued pre-eminence and, at worst, as a suicide pact that imperils not merely political dominance, but perhaps even the survival of the ethnic group itself.

Theorizing ethnically based redistribution (EBR) in bipolar societies

Given the ethnic differentiation of economic and political power in many bipolar states, economic majorities often implement ethnic preferences with the professed intention of detaching ethnic identity from economic function. Ethnic redistribution in bipolar states typically adheres to the following set of policy tools articulated by Esman (1987: 410–412):

1 Expansion of education opportunities for majority communities.
2 Language policies that increase the economic and social utility of majority group languages.
3 Growth of bureaucracy and government employment favoring majority candidates.
4 State economic enterprises that preferentially hire majority group members.
5 Financial incentives such as business loans that foster ethnic capitalists.
6 Preferential employment policies that give private enterprises incentives to hire majority group members.

Esman notes that these policies are intended to improve the economic position of majority communities without fully appropriating the assets of economically dominant minorities. In this regard, such programs recognize at least two important points. First, efforts to totally expropriate economic assets from successful economic minority communities are likely to destroy the national economy. Consequently, affirmative action programs must balance a fine line between improving access to opportunities and resources on the one hand, and removing the incentives for continued economic production on the other. Second, it demonstrates tacit recognition that a particular ethnic community is capable of making claims on the state that others cannot.

Taking these broad themes together, I argue that EBRs in bipolar states do the following:

1 They provide a concrete policy dimension to myths of ethnic dominance.
2 They delimit the scope of precisely which communities can claim membership in the core ethnic group. This crystallizes the ethnic majority's identity, a critical factor given that few ethnic groups are wholly united in their

> preferences or uniform in their adherence to ethnic myths. By participating, whether by choice or through legal fiat, in these redistributive programs, ethnic entrepreneurs can compel a degree of universal membership in the national project.

Both of these points make democratization difficult to fully achieve because they give the professedly autochthonous group an ominously underspecified "special position" in society. To the extent that democratization implies a move towards more open and transparent electoral competition based on civic membership in a common national project, any policy tool that reifies the sacrosanct nature of ethnic membership in one group over another sends a mixed message about the expectations of democracy. Indeed, Fiji's first constitutional crisis occurred in 1977 precisely because democratic institutions yielded the "wrong" outcome by electing a government controlled by an Indo-Fijian political party. Where institutional incentive and ethnic mythology are incongruent, efforts at democratization are likely to fail.

Beyond the normative implications of myths of ethnic election, it is perhaps easy to assume that poor majorities will use political power to economically denude commercially dominant minorities. In the context of plural societies in the postcolonial world, a fairly diverse literature suggests that majority communities, motivated in large part by economic envy, will seek to expropriate wealth from wealthy groups or mobilize aggressively against them. Bonacich (1973) develops a theory of middleman communities in the postcolonial world which suggests that majorities resent not merely the economic success of middleman minorities, but also their unwillingness to assimilate into broader society. Weiner (1978), analyzing the economic success of ethnic minority communities in different parts of India, makes similar arguments. Chua (2003) attributes a considerable amount of violence in the developing world to economic jealousies arising from resentment of wealthy minorities and the spread of democratic institutions that make extremist rhetoric pay off for extremists.

As observed by Horowitz (1985), however, economically dominant minorities are not always the subjects of scorn by majority groups by virtue of their wealth or economic acumen. In fact, economically dominant communities are often respected for their hard work and contributions to national economic growth. Moreover, as I argue, majorities that pursue exclusionary policies are not primarily motivated by economic jealousies. Rather, ethnic majorities in postcolonial societies will only mobilize against ethnic minorities when they believe that their privileged position as "first among equals" in the ethnic hierarchy is at risk. It is primarily when electoral politics threatens majority dominance that politicians can make much hay by playing on economic resentments. While this may seem like a contentious claim to some, a number of conflicts attributed to economic jealousy in postcolonial democracies are in fact more accurately explained as a consequence of perceived minority mobilizations that challenge a majority's ethnic myths of privilege. In practice, EBR programs have roundly failed to substantially reduce gaps in economic

performance between ethnic majorities and economically dominant minority groups. Nevertheless, these policies remain in force in postcolonial states that have enacted them and are rarely subject to challenge, demonstrating that economic interests are wholly subservient to a desire to defend one's ethnic dominance.

Horowitz has argued that ethnic groups, especially those claiming some sort of privilege based on indigenousness or a perceived right to succeed a departing colonial power, pursue political dominance for two main reasons. First, political dominance is viewed as an affirmation of the symbolic value of the ethnic group's "mission." Second, political domination is seen as the only viable means to prevent the destruction of the group at the hands of a minority community that is seemingly indifferent to the majority community's privileged position (Horowitz 1985: 175–181). This fear of group extinction is intimately tied to the formation and promulgation of ethnic mythologies that assert a right to rule the emergent postcolonial nation. Smith (1992) has characterized such myths as reflecting perceptions that the group represents a "chosen people," which, in light of their special position and the requisites of group survival, are justified in advancing a nationalist ideology that privileges their dominance.

Ethnic myths in Fiji, Malaysia, and Sri Lanka

As noted earlier, EBRs provide a concrete policy dimension that defines an ethnic hierarchy and delimits precisely who can claim autochthonous membership. Reifying specific "roles" for different ethnic communities in a transitioning country imperils efforts to implement democracy. In her analysis of Fiji's 1987 coup, Lawson (1991) notes that purely procedural accounts of democratic reform (e.g., implementation of transparent elections, a relatively free and open press, rights of assembly, etc.) exclude the centrality of a robust opposition that can credibly contest elections. The key dilemma is that ethnic mythologies of autochthonous privilege immediately make illegitimate any party associated with a non-indigenous ethnic community.

The link between ethnic myths of this sort and the quality of democracy may be observed in Fiji, Malaysia, and Sri Lanka. In Fiji, ethnic myths of indigenous privilege began to emerge in the decades immediately preceding independence in 1970. The 1874 Deed of Cession that gave political authority to Britain contained recognition of Fijian ethnic paramountcy (Norton 1977; Halapua 2003), although it should be noted that Fijians were not united under a common ethnic banner in the nineteenth century.[3] Ratu Seru Cakobau, the Fijian chief who negotiated cession to Britain, sought assurances that Fijian interests would be protected and Fijian culture, principally manifested in the continuation of chiefly dominance, preserved. The dominance of the chiefs in Fiji came at the cost of Fijian integration into the colonial economy, however. As a consequence, Britain quickly began to use immigrant labor from India to fill demand for plantation labor. By 1920, the Indian population of Fiji was over 60,000, representing nearly 40 percent of the colony's total. Colonial administrators were aware that

any viable future for Fiji must recognize the critical importance of the Indian community, particularly in terms of their economic relevance.

The growth of the Indian population, coupled with the rise of a nascent Fijian labor movement in the 1930s, imperiled Britain's hold over the colony and disturbed prominent chiefs who saw Fijian villagers slowly moving into urban and peri-urban areas to participate in new economic activities. Consequently, and with the support of key members of the chiefly establishment, new institutions were created that bound Fijians to neo-traditional lifestyles and gave them a common identity as the indigenous "owners" of the land.[4] The creation of the Native Lands Trust Board (NLTB) in 1941 and establishment of the Fijian Affairs Board (FAB) in 1944 were instrumental in giving form and function to emergent perceptions of Fijian political pre-eminence. The NLTB was formed to administer the leasing of Fijian lands to Indian tenants. Such leasing arrangements were, and are still, deemed necessary owing to constitutional provisions that prevent non-Fijians, in practice any person who cannot trace his ancestry to a specific village or *matanquali*, from owning any lands not already alienated by 1874 (Sutherland 1992; Kurer 2001). The FAB further gave bureaucratic strength to neo-traditional Fijian institutions by strengthening the Great Council of Chiefs and providing a stage through which ideals of indigenous privilege could be formally presented (Norton 1977). The re-institutionalization of chiefly authority was intimately connected to the creation of a more universal conception of indigenous identity. By strengthening the connection between Fijians and their villages and chiefs and by giving them a more concrete stake in their villages' land resources, the FAB and NLTB gave all Fijians a common interest as the *taukei*, a Fijian word that means "true landowners" and implies the non-negotiable primacy of Fijian political interest. The characterization of Indo-Fijians, the overwhelming majority of whom can trace their histories in Fiji back to the nineteenth century, as *vulagi*, or "foreigners," serves to underscore the ways in which ethnic myths strike a clear difference between a professedly indigenous community with claims of primacy in determining the nationalist narrative and other groups who are cast as perpetual outsiders.

Similarly, in Malaysia we also observe the emergence and promulgation of myths of majority privilege in the years immediately preceding independence. The image of the Malay *bumiputera*'s claim to social and political dominance, already percolating in the form of a growing perception of Chinese economic strength, emerged in the 1940s as a consequence of a proposed Malayan Union that would have linked Singapore and Malaya. Under the aegis of the Malayan Union, universal citizenship, not *bumi* status, would be the highest level of political belonging (Crouch 1996; Freedman 2000). Moreover, given the addition of Singapore, Chinese speakers would be a numerical majority, a direct affront to Malay elites' demands for a postcolonial state connected to Malay cultural institutions. In the face of such a threat to *bumi* privilege, Malay elites forged the United Malay National Organization (UMNO) in 1946, mobilizing a broad base of support from across their previously divided ethnic constituency. Britain relented, and in 1957 Malaysia gained independence under a constitution that

clearly stipulated an unquestionable special status for *bumiputera* interests. In return for their acceptance of Malay privilege, Chinese elites were granted a more or less free hand in the economy and non-Malays were granted citizenship. This social contract has, with some modifications, endured throughout Malaysia's independent history.

In Sri Lanka, Sinhala nationalists have advanced an image of the postcolonial state that is intimately connected to the preservation of Sinhalese language and Buddhist heritage in the face of Tamil demands for autonomy. The image of modern Sri Lankan politics being characterized by chauvinism by the Sinhalese majority, however, belies the complex history of ethnic mythology and fears of communal domination on both sides of the dispute. Sri Lanka emerged from the colonial period as a highly inclusive plural democracy (Rajasingham-Senanayake 1999). At the same time, the transition to independence was marked with significant agitation by both Tamils and Sinhalese. Sri Lanka's Tamil minority, by virtue of British privilege and access to missionary schools, possessed superior access to education and English language training and was a critical part of the colonial bureaucracy and economy. As Sri Lanka moved towards self-government, Tamil elites were concerned not merely with the loss of social status they acquired during the colonial period, but also with the erosion of political and economic privileges they acquired as members of the upper caste. In the face of such potential losses, Tamil leaders advanced a series of measures to limit the impacts of majority rule. First, some Tamil leaders called for the inclusion of Indian Tamil workers on electoral rolls as a means of bolstering their ethnic numbers. It is important to note that many Tamil elites were ambivalent about any move towards self-government. Tamil elites were intimately concerned that lower caste Tamils and those who had recently emigrated from India would vote along class lines, diminishing elite privileges acquired during the colonial period. Not surprisingly, some Tamil leaders lobbied Britain to delay any decision on self-government in the hopes of postponing majority rule (Bandarage 2009: 36). Second, in 1937 leaders of the All Ceylon Tamil Congress advanced a plan for "balanced representation," in reality a badly anti-majoritarian plan that would split representation equally among Sinhalese and Tamils. Given that Sinhalese represented well over 65 percent of the colony's population, such a proposal could only be viewed as a means to protect Tamil interests by grossly under-representing the Sinhalese community.

Sinhalese elites, for their part, were riven by their own political divisions. The emergence of competing Sinhalese parties, coupled with the image of a Tamil community that might potentially "swamp" the majority community (Bandarage 2009: 36), made outbidding an effective strategy for Sinhalese elites attempting to win the votes of their ethnic constituents. Interestingly, this strategy did not initially pay off, providing evidence in favor of the position that ethnic diversity is insufficient to compel ethnic conflict. Nevertheless, as Horowtiz (1985) observes, extant myths of indigenous privilege coupled with a resurgent religious identity among Sinhalese elites gave rise to increasingly strident demands for majority domination.[5]

Such claims reached their apogee with the twin issues of citizenship and language. Indian Tamils moved to Sri Lanka beginning in the mid-nineteenth century to work on tea plantations. Sri Lanka Tamils and Sinhalese largely resisted any efforts by the British to move into plantation agriculture. Consequently, Indian Tamils, also referred to as upcountry Tamils, migrated to the island to fill this particular labor market. Despite efforts to repatriate many Upland Tamils, there remain a considerable number of Tamils who have been subjected to numerous attempts to denude their citizenship status (Shastri 1997: 131).

In terms of citizenship, Sinhalese elites were deeply suspicious of any postcolonial polity where recent Indian-Tamil immigrants were included in official census and electoral rolls. This effort was largely motivated by fears that Indian Tamils would align with either their ethnic kin in the north of the island or with emerging union organizations that would split the Sinhalese bloc (Bandarage 2009: 38). A second and more contentious policy area was language. It is specifically in the status of Sinhalese language where the ethnic myth of privilege is most clearly visible. Sinhalese elites advocated the use of vernacular language, expressed in terms of *swabhasha*, or the citizenry's "own language." Given that English-language training was primarily monopolized by Tamils, it is not surprising that the *swabhasha* movement was largely a Sinhalese affair (Ganguly and Taras 1998: 194). Enterprising politicians connected these policy areas to broader mythologies of ethnic election which stressed the "special" role of Sinhalese identity in terms of protecting the island's Buddhist heritage. In 1956, the 2,500th anniversary of the Buddha's passing, the newly formed Sri Lanka Freedom Party (SLFP) ran on a platform that stressed both the indigenousness of the Sinhalese (*Silhaladipa*, or "island of the Sinhalese") and its centrality to the legacy of Buddhism (*dhammadipa*, or "island of the Buddha's teachings"). As Bandarage notes, this opportunistic deployment of such exclusivist ethnic mythologies allowed SLFP leader S.W.R.D. Bandaranaike to handily win elections by mobilizing the Sinhalese ethnic base (2009: 42). The first issue on the legislative agenda was the passage of the Sinhala Only Act, establishing Sinhala as the sole official language of postcolonial Sri Lanka. Consistent with theories of outbidding, De Votta (2003: 118–121) notes how more moderate Sinhalese political parties like the United National Party (UNP) were obligated to adopt their own Sinhala Only platforms or risk losing voter support. Interestingly, Bandaranaike did not perceive himself as an extremist and ostensibly believed that, once in power, he could weld Sinhalese nationalist fervor in more moderate directions.

Democracy formation at state formation

Significantly, in each of the three cases investigated in this chapter, we observe a state that emerged from the colonial period with a commitment to more or less open and inclusive democratic institutions. In Fiji and Malaysia, there was undoubtedly some degree of institutional skew that favored professedly

indigenous parties,[6] but the fact remains that ethnic parties affiliated with Indian and Chinese communities could organize, contest and win elections, and press claims on the system in a fairly transparent manner. Sri Lanka was heralded as a "model" postcolonial democracy for decades, even after 1956 when the SLFP passed its exclusionary language policies. While each country began their post-independence histories under democratic rule, all three have experienced considerable dilemmas with the retention of inclusive and moderate political participation. In Fiji, electoral victories by parties associated with the Indo-Fijian community in 1977, 1987, and 1999 compelled a constitutional crisis, military interventions, and a civilian putsch, respectively. In each case, the demise of Fijian-dominated parties was precipitated by considerable intra-Fijian political divisions. Nevertheless, interventions against Indian "dominance" were justified by reference to notions of Fijian paramountcy, the status of Indians as "foreigners," and through suggestions that Indians were bent on obtaining political as well as economic control.

In Malaysia, the touchstone for questions of democracy and ethnic mythology is the riots of May 13, 1969. Prior to 1969 democracy in Malaysia consisted of many of the institutions we associate with consociational government. Efforts to build an overarching multi-ethnic coalition were persistently fraught with difficulty, however. Throughout much of the 1960s the critical issue of language became a rallying cry for both Malay and Chinese political elites. In the interest of "national unity" Tunku Abdul Rahman, who would go on to be Malaysia's first prime minister, released a report in 1956, the year before independence, that said "the ultimate objective of the education policy in this country must be to bring together the children of all races under a national education system in which the national language is the medium of instruction" (Razak Report, Paragraph 12, quoted in Freedman 2000). Consistent with this mandate, the Malaysian government enacted policies in 1961 which allowed the government to shut down Chinese medium schools at any time and demanded that Chinese schools gradually shift their language of instruction to Bahasa Malay (Ganguly 2003). Efforts to raise funds to open a Chinese-language university were scuttled by Malay leaders from UMNO as well as Chinese politicians from the governing Alliance coalition who feared the loss of patronage.

In the face of such obstacles, many Chinese voters abandoned the Malaysian Chinese Association (MCA), the party most closely affiliated with the grand coalition, on the grounds that the MCA was unable or unwilling to advocate for Chinese medium schools. Given the recent expulsion of Singapore from the Malaysian Federation, most Malay elites were adamantly opposed to any open questioning of Bahasa Malay's status as the pre-eminent language of Malaysia, forcing MCA leaders to acquiesce on the language issue or risk the loss of valuable state patronage. These dynamics conspired to decimate the Alliance government in the 1969 parliamentary elections. The MCA lost approximately half of its parliamentary seats and UMNO, in the face of outbidding pressures from other Malay parties, managed to secure only 48 percent of its ethnic vote (Crouch 1996; Ganguly 1997). The Alliance losses deprived it of the two-thirds parliamentary

majority it had previously enjoyed and jubilant supporters of the opposition celebrated their victory in the streets of major cities. These celebrations eroded into ethnic riots on the evening of May 13, resulting in the deaths of hundreds of opposition supporters and ending Malaysia's experiment with consociational democracy. In its place, a new model of semi-democratic politics emerged in which Malay supremacy was unquestionable and political contestation was restricted by media controls, the manipulation of electoral rules, and the threat of imprisonment for political opponents of the UMNO-dominated government.

Similarly, Sri Lanka's experiences with electoral democracy, while ostensibly promising at the outset of independence, quickly began to exhibit highly exclusionary qualities. The 1956 elections marked the emergence of outbidding as a viable strategy, particularly for Sinhalese politicians seeking to exploit ethnic fears of domination. Language and Buddhist heritage were cast as non-negotiable elements of any future Sri Lankan national project and the territorial integrity of the entire island immediately dismissed any Tamil proposals for autonomy. By characterizing any attempt to negotiate with Tamil leaders as a betrayal of Sinhalese interests, successive Sinhalese-controlled governments had little choice under the rules of procedural democracy but to take a hard line. Rajasingham-Senanayake comments on this dilemma by noting that, despite electoral victories that reified the dominant position of the Sinhalese, elites can still play on "the minority complex of the majority peoples" (1999: 120). Consistent with Horowtiz's discussion of fears of ethnic survival, it is not surprising that such mythologies compelled Sinhalese, as well as Tamil, elites to outbid one another. In this regard, Sri Lanka's democracy, characterized by exclusivist claims about ethnic dominance, has come at the cost of a civil war spanning nearly 25 years.

Political competition and EBRs

Anthony Smith (1992, 2000) has persistently and powerfully argued that successful nation-building occurs under the aegis of a dominant ethnic core. That is to say, developing the imagined communities necessary to compel strangers living within the same state to share common notions of shared destiny or fate is difficult outside the presence of a universally accepted ethnic foundation. Wimmer (1997, 2002, 2004) has taken this point further by arguing that "modernity itself rests upon a fundament of ethnic and nationalist principles" (2004: 42). Thus far, the cases of Fiji, Malaysia, and Sri Lanka suggest that, for professedly indigenous political elites at least, the principle of a dominant ethnic core in the national project is non-negotiable.

What does this mean for democratizing countries? In each case, democratization efforts are perhaps best characterized as "one step forward, two steps back." Professedly dominant groups are interested in democratizing only "just enough" such that they strike a balance between international and domestic calls for participatory politics, on the one hand, and the felt need to insulate their sense of autochthonous privilege on the other. As suggested thus far, democracy

in bipolar cases is almost always imperiled by the persistence of myths that wholly reject minority political dominance. Taken together, we observe that ethnic myths are intimately tied to perceptions, justified or not, that dominant minority groups will use the democratic arena to erode the privileged position of professedly indigenous groups. In this regard, public policy becomes not merely a tool for the pursuit of distributive benefits, but a means to satisfy the value-rational goals of status and dignity as well.[7] As previously discussed, colonial policies in bipolar states gave significant economic and commercial advantages to minority communities. These advantages carried over into the postcolonial period, giving Indo-Fijians, Chinese Malaysians, and Sri Lankan Tamils noticeable advantages in private industry, agriculture, and technically advanced professions. Again, it is perhaps easy to characterize EBRs as a logical response of majorities who seek to generate equitable economic opportunities for their group members via the democratic process. This argument fails on at least two fronts, however. First, most EBR policies, and especially those in Fiji, Malaysia, and Sri Lanka, were instituted after independence, suggesting that economic motives are only part of the puzzle. Indeed, in Fiji during the 1930s, leading chiefs actively tried to *remove* members of their ethnic community from competition in the modern economy out of fear that economic modernization would denude chiefly authority (Norton 1977, 2002, 2004). Second, if we use the economic development of target groups as our measure of success, EBRs are woefully ineffective policies. Put simply, most majority communities are only marginally better off many years after the implementation of EBRs while economically dominant minorities often continue to prosper. Nevertheless, such programs are retained and cited as a critical element of broader public policies aimed at accommodating indigenous privileges.

For evidence of this, we will briefly assess the range of EBRs deployed in the three states discussed thus far. In Fiji, EBRs were rather minimally in force prior to the 1987 coup that displaced the Indian-affiliated Fijian Labor Party (FLP)/National Federation party (NFP) coalition government. Fijian nationalists, angered by the victory, were furious that traditional understandings of Fijian paramountcy were imperiled by the democratic process. The new government of Colonel Sitiveni Rabuka immediately made affirmative action for Fijians a central pillar of the new regime. These policies included scholarship programs intended to bolster Fijian numbers in post-secondary education, business loan programs supervised by the Fijian Development Bank, and a F$20 million investment in the Fijian Holdings Company (FHC), an organization that purchased shares and distributed them to Fijians (Sutherland 2000). As Ratuva (2000) notes, however, in the decade following the introduction of such policies, Fijian shareholders were scarcely better off than they were in 1987, when Indo-Fijian business leaders controlled over 50 percent of the companies listed on the Register of Companies as compared to the 15 percent controlled by Fijian entrepreneurs.

In Malaysia, the *Barisan Nasional* government, dominated by UMNO, implemented a vast array of EBRs in the wake of the 1969 riots aimed at improving

Malay participation in the economy. The New Economic Policy (NEP) of 1971, which would be renewed every five years and later christened the National Development Policy (NDP), has provided quotas intended to increase Malay attendance at universities, more lenient testing standards for Malay students applying for university appointments, public holding firms created to invest and develop wealth for *bumi* citizens, financial incentives for home and car ownership, and preferential access to government employment. The stated goal of these policies was to achieve 30 percent Malay ownership in the country's economy by the year 1990, no mean feat given that Malay ownership in 1970 was less than 5 percent. While Malay participation in the modern economy increased significantly, the objective of 30 percent ownership was nowhere near realized. As of 2000 Malays only controlled about 19 percent of economic assets in Malaysia while Chinese individuals and firms increased their ownership of share capital from about 28 percent in 1970 to approximately 38 percent in 2000 (Gomez and Jomo 1997; Gomez 2004: 158). Beyond this, the NEP and its subsequent policy programs have generated significant amounts of corruption and are perceived to have largely benefitted those with close connections to UMNO elites.

In Sri Lanka, the *swabhasha* movement was at least partly motivated by the recognition that Tamils would have a decided advantage in any future economy where English proficiency was the standard of success. The Sinhala-only policy would give considerable advantages to Sinhalese students in university admissions as well as Sinhalese applicants for government jobs. Indeed, as Sowell notes, by the early 1960s Sinhalese bureaucrats were being sent to Jaffna in northern Sri Lanka to replace Tamil civil servants who could not adequately speak the new official language (Sowell 2004: 86–87). In terms of education policy, successive governments since the 1970s have implemented university quota policies that give decided advantages to Sinhalese students.[8] That said, much of the growth in Sinhalese participation in the modern economy lies in its newfound domination of the civil service, formerly the purview of English-educated Tamils. Sowell notes that despite their numerical disadvantage, Tamil students continue to be over-represented in the professions and that Sinhalese advancement has come at the expense a truly meritorious system. Examining the university quota system, De Silva (1997) echoes this argument, noting that "In the hard choice between quality and quantity, quality has been sacrificed to a much greater extent than in most other university systems in the third world" (De Silva 1997: 283).

If, as I have suggested, EBRs are generally ineffective in terms of improving majority ownership of the economy, why are such policies pursued and justified? More importantly, what do these policies mean for democratic participation in bipolar states? Again, Horowitz (1985) is helpful in illustrating that economic jealousy, while given as an explanation for such programs, is not supported by a broader view of the available evidence. Simply put, economic jealousies only tend to emerge as critical cleavages when electoral competition places majority dominance at risk. This is clearly the case in both Fiji and Malaysia where I have

noted that affirmative action programs emerge only after minority communities can mount a credible electoral threat to majority dominance, and it is important to note that the potency of the Sinhala-only movement reached its high point only when Sinhalese politicians needed a policy issue with which to outbid one another. Indeed, as both De Silva (1997) and Bandarage (2009) note, Prime Minister Bandaranaike attempted to distance himself from the exclusionary policies he advocated during the 1956 campaign, suggesting that he pursued the Sinhala-only platform as a means to gain office. Consistent with many theories of ethnic entrepreneurialism (Kaufman 2001), however, his outbidding strategy manufactured a language "crisis." His efforts to moderate were met with anger by other Sinhalese politicians who accused him of selling out his ethnic constituents. In 1959 he was assassinated by a Buddhist monk.

Consistent with Wimmer (1997, 2002), I argue that the persistence of such policies is motivated by their critical attachment to exclusivist national narratives. By restricting the benefits of state policy to particular communities, and by justifying them under the aegis of enabling the "appropriate" owners of the postcolonial state, such policies help to crystallize the ethnic core of the nation-state. This is manifest in the statements of political elites justifying the introduction and perpetuation of such programs. In justifying the 1990 Fijian Constitution, a document that was badly exclusionary in its justifications of Fijian political dominance, paramount chief and new Fijian President Ratu Penaia Ganilau suggested that "the dominant position of indigenous Fijians under the new Constitution could be viewed as a counterbalance to the dominance of Indians in commerce, finance and advanced education."[9] In other words, for at least some Fijian elites, the issue of Indian domination of the economy was accepted as a given. What was at stake was the dominant position of Fijians at the helm of the nation project. In this regard, EBR policies are perhaps best viewed as a mechanism that stabilizes ethnic constituencies behind the banner of indigenous privilege.

In a similar way, Tan notes that the core dilemma with Malaysia's past system of ethnic consociation is that it is predicated upon an entirely antidemocratic ethos. Specifically, he argues that "the *raison d'être* of ethnic conflict management involving the citizen-Chinese is premised, consciously or unconsciously, on the theme of ethnic domination" (Tan 2001: 950). Esman (1987) and Crouch (1996) have also noted that EBRs in Malaysia are justified by the need to separate ethnic identity from economic function. Critically, there is no mention of separating ethnic identity from *political* function, further suggesting that myths of majority dominance require that the postcolonial national project be dictated according to the terms of professedly indigenous communities. Indeed, even in light of the deficiencies of the NEP/NDP programs, many Malay elites are reluctant to discuss their removal or adjustment, despite evidence of increasing public dissatisfaction with the policy's ineffectiveness and corruption.[10]

Language policy in Sri Lanka is similarly illustrative of the ways in which EBRs are more effectively deployed to affect the cohesion of ethnic voting blocs and reify the symbolic status of a group as opposed to economic status. De Silva

argues that in practice at least the 1956 Sinhala-only policy advanced Sinhalese education at the expense of English education, not Tamil-language training. Tamil families were able to continue educating their children in Tamil medium schools, a point with which Sinhalese policymakers were content (De Silva 1997: 269). What matters, however, is the symbolic content of such legislation. Here De Silva notes that during the crafting of the 1972 Constitution Sinhalese parties reified the 1956 policy, but their rhetoric

> unequivocally consolidated the "Sinhala Only" policy of the 1950s and emphasized the essentially subordinate role of the Tamil language: thus while the use of the Tamil language was recognized and permitted within the limits set out in the Tamil Language (Special Provisions) Act No. 28 of 1958, regulations drafted under the provisions of the act were "deemed subordinate legislation".
>
> (De Silva 1997: 270)

Moreover, as noted by both De Silva and Sowell, the focus on civil service jobs by many in the Sinhalese community suggests that the core dynamic at play in both language and education policy is control of the institutions of the state and the means to determine the national narrative of the postcolonial state in light of the uncertainties of democratic competition.

Conclusion

Horowitz notes that in many bipolar democracies ethnic peace is achieved when minority groups acquiesce to the dominant position of professedly indigenous groups. Thus, peace is retained when the "right" ethnic party wins elections. This chapter has suggested that EBRs, while not contributing directly to the process of democracy-building, can at least staunch the decline of participatory politics in bipolar, semi-democracies. They achieve this in two ways. First, by giving ethnic majority constituents a distributional policy stake, they help ethnic entrepreneurs who engage in outbidding and foment economic jealousies. EBRs, by demonstrating at least a marginal policy mechanism to address majority economic disadvantage, minimize extremist outbidding claims, help to cohere otherwise fractious majority coalitions, and reduce the risk of imperiling majority electoral victory. Even if they are generally ineffective in economic terms, as the preceding discussion suggests, they minimize the credibility of outbidders' claims that the welfare and status of professedly indigenous groups are under immediate threat.

In Fiji, for example, the emergence of the more stridently exclusionary Fijian National Party in 1975, challenging the dominant Alliance party, split the ethnic vote and allowed the Indo-Fijian National Federation Party (NFP) to win the 1977 elections. As Fraenkel (2003) notes, the rise in support for a Fijian extremist party led to precisely the outcome that all Fijians wished to avert: namely the election of an Indian-dominated government. It is striking that S.D. Koya, the

leader of the NFP, was apparently so shocked and distressed by his electoral victory that he was reluctant to form a government. Norton observes: "the NFP had gained strength as diligent guardians of Indian interests while pragmatically accepting the need to preserve Fijian political supremacy. The Indian's success was an embarrassing and ominous slip in the national political game" (Norton 1990: 118). Koya and the NFP leadership were wholly aware of the critical importance of converting the Fijian myth of indigenous privilege into viable electoral outcomes. It was never their intention to become the strongest party, but rather to simply serve as a credible foil to a moderate Fijian government. Indeed, it was in the wake of the 1977 constitutional crisis that Fijian elites advanced the first set of wide-scale EBR programs.

Second, EBRs serve as largely symbolic acts that demonstrate the policy primacy of the core ethnic community. This is critical, especially in terms of allowing moderates from majority communities to effectively negotiate with leaders of minority communities. Horowitz, observing Malaysia, notes that "when non-Malay votes are decisive, the leading Malay party was willing, in spite of an atmosphere fraught with Sino-Malay tension, to reach across ethnic lines and conclude an arrangement that promised electoral victory" (Horowitz 1985: 403). The symbolic dominance of the Malay community, by virtue of benefits that reify *bumi* primacy, have enabled UMNO to build its multi-ethnic coalition that, in turn, allows Malay elites to retain control of the state. Ultimately, it is possible to negotiate more equitable and semi-democratic arrangements when professedly indigenous majorities negotiate from a position of strength.

Problematically, the use of EBRs to minimize outbidding and enable some degree of ethnic moderation comes at the cost of successful democratization. Fiji, Malaysia, and Sri Lanka were arguably *more* democratic at the time of independence. The political utility of myths of ethnic dominance, however, made open democratic competition a dangerous game. The violence of May 1969 demonstrates the potential pitfalls of free and fair electoral competition when legitimate outcomes are viewed as a violation of autochthonous privilege. Similarly, Fiji's seeming inability to manage its inter-ethnic tension through open democratic competition suggests that democratization can only proceed to the extent that those who claim the mantle of political dominance are actually willing to lose. Opposition parties affiliated with subordinate ethnic community may not simply be expected to sit in legislatures offering anodyne criticisms of the sitting government with no hope of advancing policy agendas of their own, yet this is precisely the situation we observe.

Thus, it is scarcely surprising that many bipolar postcolonial states have proven incapable of transition to sustainable competitive liberal democracies with substantive ethnic equality and minority accommodation. Indeed, advocates of electoral and constitutional engineering typically measure the success of their prescriptions not by indicators like multiculturalism or healthy and vibrant civic cultures, but rather by the absence of ethnic violence, or moderation of extremist rhetoric. Unsurprisingly, observers are not fooled. Levitsky and Way (2002), for example, argue that many regimes that began the process of democracy-building

with the intention of establishing inclusive institutions nevertheless end up with only hybrid regimes that incorporate certain elements of electoral politics while severely constraining the ability of ethnic minority opposition groups to mobilize and contest issues on a fair basis. It is possible that regime hybridity in bipolar cases serves as a compromise that allows some degree of political participation and electoral competition, while retaining majority dominance through semi-authoritarian practices and the formal incorporation of myths of majority privilege. In this context, EBRs are mechanisms developed by these regimes to prevent wide-scale ethnic violence and minimize the threat of extremist outbidding strategies. Without them, extremist claims can gain credibility, split ethnic voting constituencies, and imperil majority-dominated governments. And yet, the durability of a status quo may require scholars to reassess the way they link theories of democratic transition with majority ethnic domination that relies on myths of rightful ownership of national boundaries.

Notes

1 Fearon's index captures the probability that two randomly chosen individuals in a given state will speak the same language and share other cultural characteristics. Consequently, a score of 0 suggests that the country is completely homogenous. Conversely, a score of 1 indicates a completely heterogeneous country.
2 Such myths are observed in a number of bipolar states in the modern world. In Fiji, for example, the image of the indigenous Fijian villager as part of the *taukei*, a Fijian word meaning "true landowner," has been frequently deployed to reinforce the Fijian people as the indigenous people of Fiji whose claims are paramount over other communities (Norton 1977; Premdas 1993; Lawson 1992). Similarly, Malay dominance in Malaysia has been justified through the characterization of the Malay people as the *bumiputera*, or "sons of the soil" (Crouch 1996). Malay anger in the face of perceived Chinese indifference to these mythologies is equally justified by reference to the principle of *kentuanan Malayu*, or "Malay princedom."
3 Indeed, beyond the claims of several Fijian nationalists it is difficult to argue that Fijians are united under a common ethnic banner in the twenty-first century either.
4 The Fijian word *vanua*, which means land, is often vulgarly interpreted to imply only a physical ownership of territory. This interpretation fails to capture the holistic sense of personhood and overarching connection between individual, community, and environment that is implied within the term.
5 Among historians – see especially de Silva (1981) and Manogaran (1987) – the historical roots of claims of indigenousness are suspect. Nevertheless, Sinhalese nation-builders routinely advance the myth that they are the first inhabitants of the island, painting the Tamil and Veddha populations as immigrants or transplants from other regions. Significantly, it is important to note that myths of indigenousness in Fiji and Malaysia characterize other ethnic communities as foreigners or outsiders with minimal connection to the modern nation-state project (Lawson 1991; Halapua 2003; Crouch 1996; Tan 2001).
6 In Fiji, for example, the electoral system in use from 1970 to 1987 employed a fairly complex communal voting system that reserved a specific number of seats for Fijian, Indian, and "General" electors. The system was intended to guarantee a specific ethnic balance that would favor Fijian political parties, although it proved less than reliable given intra-Fijian divisions that imperiled the ability to field a single indigenous party capable of winning the entire ethnic vote (Norton 1990, 2000).

7 This point is made with some force by Ashutosh Varshney (2003), who suggests that rational actor models of ethnic politics are unable to fully account for preference orderings that sacrifice pecuniary welfare for value-rational goods that provide a sense of group security and status.

8 As De Silva (1997) has observed, the quota policy for education is a fairly complex district-based quota system. While it clearly disproportionately hurts Tamils, especially those from the Jaffna region, it is important to note that several Sinhalese districts, most notably Colombo, are also affected. On the whole, however, the district policy, with its focus on over-representing certain rural areas, has worked to the distinct advantage of Sinhalese.

9 This quote comes from *Aisaweek* (August 10, 1990).

10 An October 2008 poll by the Merdeka Centre suggested growing dissatisfaction with the system of Malay preferences. Over 70 percent of Malaysians expressed the belief that the racial system of affirmative action needed to be replaced with a merit-based policy. Not surprisingly, Chinese (83 percent) and Indian (89 percent) respondents were overwhelmingly opposed to the continuation of the NEP/NDP programs. More interestingly, 65 percent of Malay respondents said they wished to see a meritorious system replace the current affirmative action benefits. This may be accessed at *The Malaysian Insider* (www.themalaysianinsider.com/index.php/malaysia/10233-poll-shows-most-malaysians-want-nep-to-end).

9 The long road toward Kurdish accommodation in Turkey

The role of elections and international pressures

David Romano

The Turkish Republic emerged in 1923 as a modernizing, Western-oriented, secular and authoritarian state. In 1946 Turkey began implementing the procedural requirements to transition the state to electoral democratic politics. In 1950 the country held its first free and fair elections and the opposition Democrat Party (DP) dethroned the Republican People's Party (CHP) which had run the country since its founding. For the ethnic Kurdish minority in the country, however, more substantive, liberal democratic politics did not begin to appear until after 2002.

The following analysis explains how the original Kemalist founding ideology of the Turkish Republic, which remained dominant from 1923 until 2002, created a very closed, undemocratic and intolerant atmosphere for Kurds wishing to politically mobilize as Kurds. Not all democratic states are liberal of course, and for most of its history the Turkish state pursued extremely illiberal policies vis-à-vis its Kurdish population. The democratic system that emerged in 1950 was more of a procedural, majoritarian democracy than a substantive, liberal democracy able to allow space for all its minorities to thrive while maintaining their identity. As outlined in the opening chapter of this book, Kemalist Turkey followed a similar route to Romania, Serbia and Malaysia, "whereby the nation is cast as an expression of a particular group" (in these cases Turks, Romanians, Serbs and Malays) and the state is dominated by the majority nation and ethnocentric political leaders (Snyder 2000; Carothers 2007; Miall 2007).

At 15 to 20 percent of Turkey's population, the Kurds remain the only politically relevant ethnic minority in modern Turkey (Alevis form the only politically significant religious minority).[1] A series of Kurdish revolts in the early years of the new republic were suppressed with extreme force. The introduction of electoral politics in Turkey eventually provided Kurdish dissidents with new opportunities to challenge state policy and mobilize opposition. Electoral politics likewise laid the foundations for increasing levels of political liberalization, or "democratic deepening," that began to take hold after 2002. Especially as political parties competed for the votes of the country's 15 to 20 percent ethnic Kurdish population, the state's understanding of and approach to ethnic minorities came into question. Although it took approximately 50 years and another violent insurgency for the right combination of factors to begin working

together, Turkey has begun a gradual democratic accommodation of ethnic conflict.

One might view a time lag of 50 years between the introduction of democratic politics and the beginning of ethnic minority accommodation as inordinately long, however. A country that introduced real elections in 1950 hardly seems like a "new" or "transitional" democracy today. One must remember Turkey's history of military coups and the central role that the Turkish military played in the political system until quite recently to make sense of this. With military coups in 1960, 1971, 1980 and 1997 (this last one was referred to as a "soft" coup), we may more accurately view the Turkish political system as a new and transitional democracy after each instance of a return to civilian rule. Although previous episodes of civilian democratic rule helped build the institutions necessary for democracy, each military intervention brought the process a few steps backwards, particularly following the military's constitutional modifications of 1970 and its introduction of a completely new, less liberal constitution in 1982 (civilian rule was restored in 1983 in that case, a year after the constitution was written under the military) (Ahmad 1993).

The case of Turkey shows that democratization does not necessarily produce immediate improvements in minority status, even if it does not provoke violent conflict. As Bertrand and Haklai argue in the introduction to this volume, democratization opens up new channels for the expression of grievances, and creates new sets of constraints and incentives that can improve prospects of accommodation for ethnic groups previously facing strong state repression. Yet, these processes can face very significant blockages, lags and reversals, especially when self-designated military "state guardians" periodically intervene in the political process.

Over time, however, the logic of electoral politics can dictate greater accommodation to win votes, particularly where an ethnic minority commands sufficient numbers to influence electoral outcomes. This did not happen for several decades in Turkey because other factors interrupted and trumped the electoral process. Besides periodic military interventions, a mono-nationalist state ideology and strong majority support for this ideology prevented state leaders from accepting possibilities of shifting away from Turkish nationalist ideology. Furthermore, decades of strong repression often paralyzed Kurdish mobilization when opportunities arose after 1950.

Nonetheless, sustained and more intense mobilization combined with international pressures to reinforce the electoral logic after 2002. The accession to power of the Justice and Development Party (the AKP) in 2002 marked an effort on its part to strengthen electoral support among anti-Kemalist forces. Gaining support from the Kurds proved to be strategically important to advance its own agenda against the secularist, strongly Kemalist nationalist parties. Although the DP pursued a similar strategy following its 1950 electoral win, the 1960 military coup put an end to this. In the contrasting case of the AKP, this new political party's electoral calculus, the need to finally come to grips with sustained Kurdish nationalist mobilization (the Kurdistan Workers' Party insurgency that

began in 1984), and the supportive influence of the European Union accession process (respect for minority rights is an important criterion in assessing potential EU members) created a new Kurdish opening in Turkey.

The early Turkish Republic

The end of World War I saw the Ottoman Empire defeated and destitute. The Caliph sat in Istanbul under Allied occupation, desperately clinging to whatever political authority over remnants of territory the Allies would deign to leave him. The 1920 Treaty of Sèvres envisioned the partitioning of Anatolia, leaving the Bosporus Straits under foreign occupation, and giving large swathes of the Western Aegean region to the Greeks; the southern Mediterranean region to Italy and France; the southeast and Mosul area to Britain; and carving an Armenian and possibly a Kurdish state out of Eastern Anatolia.

An Ottoman general and hero of the Dardanelles Campaign, Mustafa Kemal (later known as "Kemal Ataturk") rallied Ottoman society against the victor's peace being imposed by the Triple Entente powers of Britain, France, Italy and the United States. Stressing that Western powers were forcing the occupied Caliphate into all manner of capitulations, Ataturk rallied the Muslim peoples of the Empire's Anatolian remnants – Turks, Kurds, Laz, Arabs and Circassians – as Muslims, calling upon them to save the Caliphate and Sultanate from occupation by infidels:

> To gain support of strategically important Kurdish regions and communities tied to Ottoman structures, Kemal promoted Sunni Islam as a key identity marker in the future Turkish state. To be sure, during early debates in the national assembly about the official Turkish identity, the Turkish elite talked about Hanafi Turkish-speaking Muslims as being real Turkish citizens, despite the fact that the overwhelming majority of Kurds were (and still are) Shafi Muslims who did not speak Turkish (Kirisci and Winrow 1998: 96). Instead of emphasizing these distinctions, Kemal advanced the idea of a unified Sunni Muslim community in which the Kurds and Turks were both a part.… To make his claims appear credible Kemal dressed in religious attire alongside key *ulema l*eaders and sent the photographs to Kurdish tribal chiefs.
>
> (Natali 2005: 71–72)

In order to build as large a coalition as possible for the War of Independence, Mustafa Kemal thus adjusted his message for whichever group he was trying to mobilize.[2] Ataturk and his colleagues probably had not yet even decided on the specifics of any post-Ottoman political regime they might establish. In addition to brandishing Islamic rhetoric that could appeal to a multi-ethnic Ottoman Muslim population, Ataturk spoke of Turkish–Kurdish brotherhood and even Kurdish autonomy in order to recruit Kurdish tribal leaders, notables and nascent Kurdish nationalists:

> The idea that Kurdistan and the Kurds were integral to Turkey was reaffirmed at the Turkish–Kurdish congress in Diyarbakir, which promised Kurdish autonomy in return for the Kurds' military support. … On February 10, 1922, The Grand National Assembly created a draft law for proposed autonomy in Kurdistan. Referring to the Kurds as a nation, the law offered the Kurds the right to establish an autonomous administration that recognized Kurdish national customs.
>
> (Natali 2005:73)

Given the desperate circumstances in which Mustafa Kemal and the remnants of the Ottoman army found themselves by 1919 and 1920, the only sound strategy lay in mobilizing as broad a fighting front as possible and arguing about what the new post-Ottoman state should look like later. The strategy worked. The vast majority of Kurds joined the Kemalists in what later became known as the Turkish War of Independence.

In a completely flawed reinterpretation of history, many scholars (as well as the modern Turkish state) later pointed to this Kurdish solidarity with the Kemalist War of Independence as evidence of widespread Kurdish support for the Turkish Republic and the form it took following its declaration in 1923.[3] Kurdish supporters of Mustafa Kemal could not have known before 1923 that he would abolish the Muslim caliphate for which they were ostensibly fighting, or that he would replace the Ottoman system with a militantly secular, mono-national republic. Once the Kemalists successfully fought off the Greek, Armenian and colonialist threats (losing Mosul to a new British-created Iraq, however), they also began settling on an ideology for the new Turkish Republic that left no room for Kurdish autonomy or even recognition of the Kurds as a minority. The Treaty of Lausanne, meant to recognize the new power balance achieved by Mustafa Kemal's armed rejection of a victors' peace, replaced the Treaty of Sèvres in 1923. Not only did Lausanne fail to make any mention of the Kurds; a Turkish reservation to the Treaty's guarantee of minority rights in the new Turkish Republic only recognized non-Muslims as minorities. The logic for such a limited, and not necessarily nefarious, view of minorities could be seen in a 1920 statement of Ataturk on the subject:

> What is intended here … is not only Turks, not only Circassians, not only Kurds, not only Lazes, but the Islamic ethnic elements of all of these, a sincere community … the nation, the preservation and defense of which we have undertaken, is not only composed of one ethnic element. It is composed of various Islamic elements.

Such a national synthesis does not necessarily entail the suppression of some ethnicities in favor of others, of course. A new national identity may be explicitly multicultural, a conscious synthesis of different groups' cultures, and avoid the dangerous view of one pure, sanctioned culture and ethnicity under threat from others.

By 1923, however, Ataturk and his allies decided that the new republic's unifying national identity would be based on all the linguistic, cultural, historical and symbolic elements of Turkish ethnicity. With the Armenians eliminated as a significant minority after 1915, the Kurds (around 20 to 30 percent of the population at the time) remained the only ethnic group large enough to pose a challenge to the new Turkish mono-nationalist vision. Kemalist promises of Kurdish autonomy, or even official recognition of Kurds as one of the two principal nations in the new state, were quickly forgotten. Plans were devised to purify the new republic's sole official language – Turkish – of "foreign elements," meaning mainly borrowed words from Arabic, Persian and Kurdish. A vast assimilation program was created to forge the imagined single Turkish nation out of the diverse ethnicities inherited from the Ottoman Empire. The Kemalist program went from "encouraging the Kurdish language" in 1922 to banning it in 1924 (McDowall 1997:191–192), forbidding education in Kurdish, changing Kurdish place names to Turkish ones, mandating Turkish names for children, and eventually claiming that Kurds were actually "mountain Turks" who had forgotten how to speak Turkish properly (the various Kurdish dialects are in the Persian rather than Turkic language family). Hence the Kemalists decided on a full assimilation assault vis-à-vis Kurdish and other non-Turkish ethnicities, trying to bring all residents of the Turkish Republic into the mono-national fold. The 1924 Constitution stated that "Without religious and ethnic difference, every person of the people of Turkey who is a citizen is regarded as Turk."[4] International pressure to respect the rights of ethnic non-Turks at this point in time would have been completely ineffective (not to mention hypocritical), given earlier attempts to impose the Treaty of Sèvres and foment minority insurrections in the Ottoman state.

The Kemalists' overall political position remained far from secure until 1925, however, as conservatives and liberals both contested the increasingly authoritarian style and revolutionary program that Ataturk advanced. Popular leaders and heroes of World War I and the Independence War, like Karim Karabekir (General of the Eighth Army in Erzurum), refused to accept the abolishment of the Caliphate and the priorities of the new republic. Much of the population likewise did not appear to understand the Kemalist program of change or sympathize with its specific policies, as Mustafa Kemal discovered during his numerous tours of the country in 1923 and afterwards. Under normal circumstances, such a divided elite and political system may have led to compromise and a more liberal system, as Ataturk and others attracted different constellations of support from a variety of political actors. The Ottoman political system already had experience with institutionalized politics from the *Tanzimat* reform period of 1836 to 1876, the constitutional monarchy of 1876 to 1878, and the Young Turk Revolution of 1908. In such a fractured political system, Kurdish leaders and populations could have had an important voice, allowing them to press for minority language and cultural rights, or even degrees of self-government for majority Kurdish provinces in the southeast of Turkey. Although historians debate to what extent Kurdish nationalism motivated many people at the time, one could safely assume

that people who spoke Kurdish as their mother tongue would commonly value the right to use the language in public, and thus use their political voice to push for such a right.

Events transpired, however, to give the Kemalists a much freer (and authoritarian) hand to push through their radical program for change. An insurrection in the East, suffused with both Kurdish nationalist and Islamist rhetoric, broke out in 1925. Although a significant threat to the new Republic, the Sheikh Said revolt may have also presented a golden opportunity to Ataturk. Emergency powers and "Independence Tribunals" established under "The Law for the Restoration of Order" in particular allowed the Kemalists to arrest or execute their opponents and stifle dissent:

> The Government is directly authorized, with the approval of the President, to stifle all reaction and rebellion, as also all instigation or encouragement thereof, or the publication of anything susceptible of troubling the order, tranquility or social harmony of the country. The authors of such movements will be brought before the Tribunals of Independence.
>
> (*The Times*, March 6, 1925; cited in McDowall 1997: 195)

The British ambassador to Turkey wrote back to London that it was "difficult to imagine how the net for repression could have been thrown out more widely, for it gives the Government a free hand to do what it will" (FO 371/10867 Lindsay to Chamberlain, Istanbul, March 10 1925; cited in McDowall 1997: 195). Hundreds were tried and executed by "on-the-spot" tribunals set up across the country, and thousands were killed as the rebellion was crushed. Abandoning the religious social glue that held the Muslim Ottoman Empire together thus sparked not only Islamic conservative opposition, but also a Kurdish nationalist challenge. A dozen or so additional Kurdish revolts broke out between 1925 and 1938, culminating in the Dersim revolt of 1937 to 1938, in which some 40,000 Kurds perished (McDowall 1997: 207).

The threats in the East, from both Kurdish nationalists and Islamic conservatives, allowed the Kemalists to stifle all manner of dissent and install an authoritarian government. They then used their authority to enact a series of radical changes aimed not only at suppressing Kurdish identity, culture and language, but also changing everything from Turkey's writing system (Arabic script to Latin), calendar (Islamic to Gregorian), dress (the *fez* to Western hats and garb), displays of religiosity (the veil was forbidden in state institutions and civil servants could not have beards), and the role of religion in general (religious orders were closed and *imams* had to be licensed by the state). Only a powerful authoritarian government could enact so many revolutionary changes in such a short time (around 15 years). The attempt to erase the Kurdish language and culture went so far that Turkish civil servants posted in Kurdish regions were forbidden to learn or speak Kurdish with the local population, and were not allowed recourse to Turkish–Kurdish translators. This policy led to a situation wherein much of the local population could not understand state officials sent to govern them, and state officials

had great difficulty understanding the people they governed or served. Similar to the North American experience with aboriginal peoples, these state officials believed that they brought civilization, culture and education to the local population, all of which necessitated stamping out antiquated languages and cultures in favor of state-sanctioned official, "modern" language and culture. It thus became state policy to deny the existence of a Kurdish minority in Turkey.

Domestic challenges to the Turkish state

As Turkey modernized, its society and economy became more complex. Increasing numbers of people migrated to cities, acquiring the education, literacy and interests to mobilize politically. The republic's ruling elites decided to vent building political pressure by moving to a multi-party electoral system in 1946 (the first elections with a real opposition party occurred in 1950). Even after the move to multi-party electoral politics, however, state practice and the Republic's Constitution continued to forbid "ethnic" or "religious" parties or any public displays of Kurdish identity. As a result, the 1946 transition to a parliamentary democratic system, as well as the huge electoral success of the opposition Democrat Party (DP) in 1950, initially did little to benefit the Kurdish minority *as Kurds*.[5] No significant Kurdish opposition, peaceful or violent, occurred in the 1940s and 1950s, meaning that the state had no incentive to address non-existent ethnic conflict via further democratization. It seemed that the repression of the 1920s and 1930s had eliminated Kurdish minority opposition.

The Democrat Party's electoral success and political agenda in the 1950s depended in part on challenging the Republic's strict secularism, rather than its mono-nationalism. One of the DP's first actions upon taking power in 1950 was to permit the call to prayer in Arabic (Ataturk had mandated that the call be performed in Turkish). The DP also instituted religious classes in primary schools, increased funding to mosques and religious schools, and made a greater show of publicly observing religious occasions such as Ramadan (Cleveland 2000: 270). In addition to relaxing secularism in Turkey, the DP also pursued an ambitious privatization and pro-agriculture agenda. When myriad factors caused its economic policies to falter, public criticism and protests mounted. The DP responded with a number of repressive measures, censuring the press, incarcerating critical journalists and shutting down unfriendly newspapers: "By removing the outlets for peaceful criticism, the government created a situation in which violent protest became the only means of expressing political opposition" (Cleveland 2000: 271–272). Referring to the DP's increasingly authoritarian actions, their anti-secular program, corruption and declining public order to justify their intervention, Turkey's generals instituted a coup d'état in the spring of 1960. As a clear warning to any who would challenge the Republic's core constitutional principles, DP leaders were tried for high treason. Prime Minister Menderes as well as the Foreign and Finance Ministers were then executed.

The military returned power to a civilian government 17 months later, and asked liberal academics to draw up a new constitution to replace the one enacted

in 1924. The 1961 Constitution placed much more emphasis on individual rights and freedoms, in an apparent attempt to prevent abuses like those of the DP in the late 1950s. Articles 11 and 20, for instance, did not restrict individual freedoms by any reference to the "public good" or "raison d'état":

> ARTICLE 11 – The fundamental rights and freedoms shall be restricted by law only in conformity with the letter and spirit of the Constitution.
>
> The law shall not infringe upon the essence of any right or liberty not even when it is applied for the purpose of upholding public interest, morals and order, social justice as well as national security….
>
> ARTICLE 20 – Every individual is entitled to have his opinions and think freely. He is free to express his thoughts and opinions singly or collectively, through word of mouth, in writings through pictures or through other media.
>
> No individual shall be coerced to disclose his thoughts and opinions.
>
> (1961 Turkish Constitution, www.anayasa.gen.tr/1961constitution-text.pdf)

Only Article 57 of the 1961 Constitution stipulated that political parties "shall conform to the principles of a democratic and secular republic, based on human rights and liberties, and to the fundamental principle of the state's territorial and national integrity. Parties failing to conform to these provisions shall be permanently dissolved." This article thus forbade religious parties and Kurdish parties, which were seen as subverting secularism and "territorial and national integrity," respectively. In addition, President Gursel (the general who took over following the coup) stated in 1960 that if Kurdish unrest broke out in Turkey, "The army will not hesitate to bombard towns and villages: there will be such a bloodbath that they will be swallowed in their country" (*Dagens Nyheter*, November 11, 1960; cited in Vanly 1971: 41). The military also implemented changes in 1961 to help protect core Kemalist principles that the DP had threatened. A bicameral legislature, a National Security Council (MGK – *Milli Guvenlik* Kurulu – staffed in large part by senior generals and tasked with making "recommendations" that civilian governments ignored at their own peril) and a Supreme Board of Judges all served to limit any elected government's freedom of maneuver. According to the moderate Islamist daily *Today's Zaman*, "With the establishment of the MGK, the Supreme Board of Judges and the Constitutional Court, it became nearly impossible to change the Constitution except through another military coup" (May 27, 2009).

The increased level of freedom that the 1961 Constitution allowed made room for new social movements and the expression of new political demands. Some Kurds like Musa Anter (assassinated by state operatives in 1992) briefly managed to publish Kurdish-Turkish journals such as *Ileri Yurt*. Social changes and pent-up political and economic demands, however, quickly threatened to overwhelm Turkey's relatively young democratic institutions. As in much of the world, Turkey in the 1960s experienced a growing number of leftist movements, including the Dev-Genc ("Revolutionary Youth") movement, the Turkish

Workers' Party of Turkey (TWP), the Confederation of Revolutionary Workers (DISK), and other more radical and sometimes violent groups (often attempting to emulate Che Guevara's revolutionary approach). These leftist groups attracted a disproportionate number of ethnic Kurdish members, and were often willing to speak specifically about the state repression of Kurds. At its Fourth Party Congress in 1970, for instance, the TWP declared that "There is a Kurdish people in the East of Turkey.… The fascist authorities representing the ruling classes have subjected the Kurdish people to a policy of assimilation and intimidation which has often become a bloody repression" (cited in Kendal 1993: 29). Many Kurds thus took advantage of legal leftist political organizations to become politically active for the first time. Their socialization into political life via the Left of the 1960s and 1970s would in turn affect the style of Kurdish dissidence when it emerged in force in the 1980s and 1990s.

In the meantime, elements within the Turkish state accused leftist organizations of both communist subversion and Kurdish separatism, and far Right nationalist and fascist movements engaged in street battles with their leftist rivals. Public disorder and a divided and paralyzed civilian government provoked another military intervention in 1971, forcing Suleiman Demirel's government to resign. The military went after the leftist movements (closing down the TWP, DISK and Dev-Genc, and arresting hundreds of activists) and moved to restrict many political freedoms, but did not directly hold on to control of government. Subsequent civilian governments of the 1970s largely failed to restore public order or get beyond their own political divisions, leading to still higher levels of right-wing–left-wing violence (including assassinations of academics and large melées between student groups), and finally a third coup in 1980.

The 1980 military coup led to much more serious military involvement in the Turkish state and an iron fist policy of mass arrests and martial law. The military retained power for three years this time, and in the second year (1982) drew up a new constitution. This constitution stripped most of the liberal elements of its predecessor, emphasizing the Kemalist status quo, the state and public order well above individual rights and political freedoms. For instance, Article 81 of the 1982 Constitution was entitled "the *Political Parties Law on the Prevention of the Creation of Minorities*," and stated that

> Political parties:
> a Cannot put forward the idea that minorities exist in the Turkish Republic based on national, religious, confessional, racial, or language differences.
> b Cannot aim or act in a way to disrupt national integrity by creating minorities in the territory of the Turkish Republic through protecting, developing or spreading languages and cultures other than Turkish language and culture.
> c Cannot use a language other than Turkish in writing and printing in the party statute or program, at congresses, at meetings in open air or indoor gatherings; at meetings, and in propaganda; cannot use or

> distribute placards, pictures, phonograph records, voice and visual tapes, brochures and statements written in a language other than Turkish; cannot remain indifferent to these actions and acts committed by others; However, it is possible to translate party statutes and programs into foreign languages other than those forbidden by law [e.g., Kurdish].

These taboo issues, accompanied by numerous restrictions on free speech aimed at preventing discussion of the "indivisible territory and nation of Turkey," led to a political system that was procedurally democratic but not liberal or democratic in a more substantive sense. A number of additional "anti-terror laws" and other illiberal limits to freedom of expression (laws forbidding "the threatening of Turkey's territorial indivisibility and national unity whether intentionally or unintentionally") (Gunter 1988: 389–406) in this constitution led to a situation in the mid-1990s wherein Turkey had more journalists in jail than any other country in the world. Until 1991, Turkey's bans on the Kurdish language and public displays of Kurdish culture, as well as its refusal to even publically recognize the existence of Kurds in the country,[6] probably made it the most illiberal electoral democracy in the world. State institutions constraining any expressions of Kurdish identity, combined with a very high capacity for enforcement, stifled an ethnic minority constituting approximately 20 percent of the population.

In the completely closed political atmosphere of the early 1980s, the recourse to armed revolt hence seemed justified to many Kurds. Many of the leftist student activists of Kurdish background from the 1960s and 1970s now became Kurdish nationalists with experience in political mobilization, protests and illicit organizations. In 1984, a rural-based insurgency of the *Kurdistan Workers' Party* (PKK) began launching increasing numbers of attacks on Turkish security forces. Although the PKK did not by any means represent all or necessarily most Kurds in Turkey, many of whom had been successfully assimilated by the 1980s, it did force the issue of Kurdish identity and the Turkish state's refusal to acknowledge Kurds back onto the political agenda. As support for the PKK increased among Kurds in Turkey, it seemed that 60 years of banning Kurdish ethnic identity markers and Kurdish political parties had failed to create one harmonious Turkish national civic identity. It also seemed impossible for the state to return to the pre-1960 era, when the assimilationist program went unchallenged and eastern Turkey remained largely isolated from international currents.

The whole notion of a Turkish civic identity was probably doomed from the start, given that "Turks" are also an ethnic group differentiated from Kurds, Laz, Circassians, Arabs and Armenians. In this sense, "Ottoman" or something similar[7] would have stood a much better chance of forming a truly civic, more inclusive identity, rather than a "Turkish" civic identity that actually revolves around only one ethnic group's identity markers. In any case, the PKK insurgency and the state repression that sought to crush it polarized ethnicity (Romano 2006: ch. 4). Reminiscent of policies in the 1920s and 1930s, thousands of Kurdish villages in the southeast were razed to the ground as part of the state's

counter-insurgency program, while PKK militants massacred Kurdish villagers who joined the state-created "village guards" system. By the late 1990s, some 35,000 people had been killed in the conflict, most of them ethnic Kurds. The majority of the population of Turkey seemed to accept a "military approach" to the Kurdish issue at the time, possibly as a result of media censorship and most western Turks' ignorance of the details of the fighting in the eastern, predominantly Kurdish regions of Turkey. European and US Congressional pressure regarding human rights abuses committed by counter-insurgency forces played a much more significant role than any domestic democratic opposition in Turkey. The 1982 Constitution and other "anti-terror" laws forbade discussion of the insurgency as an "ethnic minority problem," so it is perhaps unsurprising that discussion of the problem in such terms largely failed to emerge in the electoral arena.

Despite state-sponsored euphemisms such as "the southeastern problem" and "the terrorism problem," it nonetheless became increasingly difficult for the Turkish government to deny that a Kurdish population existed in the country. Although official state discourse still viewed socio-economic development programs, rather than minority rights and freedoms, as the solution to "the terrorism problem," various civilian politicians eventually began experimenting with political reforms. In 1991, Prime Minister Turgut Ozal lifted the ban on speaking Kurdish in public,[8] and began talking about more radical changes in Turkey's approach to the Kurdish issue (Romano 2006: 55–57). Half Kurdish himself, Ozal seemed to display the determination, charisma and electoral popularity in much of both western and eastern Turkey to truly challenge the Turkish military and Kemalist elite's policy toward the Kurdish minority. His untimely and suspicious death (*Today's Zaman* October 6, 2010) from a heart attack in 1993, however, delayed significant reforms for several years. After that, successive Turkish leaders publicly entertained more liberal approaches to deal with Kurdish disaffection, although with very limited results:

> In December 1991, Prime Minister Suleyman Demirel declared that "Turkey has recognized the Kurdish reality." Two years later, the new Prime Minister Tansu Ciller broached the "Basque model" as a potential formula for solving Turkey's Kurdish problem after a meeting with the Spanish prime minister. Then in December 1999, the former Prime Minister Mesut Yilmaz declared that "the road to the EU passes through Diyarbakir." None of these proposals led to any concrete results. It remains to be seen, therefore, what will happen to Prime Minister Recep Tayyip Erdogan's declaration in August 2005 that Turkey had a "Kurdish problem," had made "grave mistakes" in the past, and now needed "more democracy to solve the problem." True, Turkey has made progress, but some of it is not real, and more is needed.
>
> (Gunter 2005)

Although Gunter's skepticism regarding Mr. Erdogan's intentions toward the Kurds was certainly justified, given previous governments' broken promises, the

AKP government actually followed through on some of its promises. The election of the AKP government in 2002 and subsequent events led to, at least for a time, significant deepening of Turkish democracy and an accompanying opening toward the Kurds.

EU reforms, new electoral strategies and the sidelining of the military

Three distinct factors came into alignment during AKP rule that allowed for democratic deepening and a serious re-evaluation of Turkish state policy toward the Kurdish minority. First, the EU accession process attracted significant international pressure for democratization. Second, the AKP's strategies to appeal to voters centered on good governance, social conservatism and Muslim brotherhood more than the Kemalist, secular Turkish nationalism of other mainstream political parties before it. As such, the party could expect to attract significant Kurdish support – an option it had pursued since its founding. Finally, the Turkish military was effectively pushed out of politics during AKP rule, removing the red lines the army had placed on accommodation with Kurdish aspirations and ending the coup cycle of every ten or so years that had once plagued the Turkish political system.

Turkey became a member of the Council of Europe in 1950, and it has had an Association Agreement with Europe since 1963. On December 31, 1995, Turkey and the EU also signed a customs union agreement. It was after Ankara formally applied to join the European Union in 1987 that the issue of political, social, legal and cultural reforms in Turkey came to the forefront. In 1999, Turkey officially became a candidate country for accession, and in December 2002 the EU specified a series of specific criteria (known as the Copenhagen criteria, applicable to all EU accession applicants since 1993) which would "require that Turkey have a functioning market economy and stable institutions that guarantee democracy, the rule of law, and human rights" (Phillips 2004). In the fall of 2005, the EU determined that Turkey sufficiently fulfilled the political aspects of the Copenhagen criteria to open formal accession negotiations. European officials stated, however, that they would monitor Turkey's continued progress in fulfilling the Copenhagen criteria, and felt that such talks would require at least 10 to 15 years before Turkey could finally accede to the EU (J.W. Anderson 2005).

The Copenhagen Criteria in particular have led to important Turkish reforms, especially one in 2004, which gives precedence to international human rights law over Turkish law when the two conflict (Hochleitner 2005). This has allowed individuals in Turkey to bring for arbitration in European courts human rights cases against Ankara. Other recent reforms that occurred in the context of EU accession criteria appear very encouraging, but often come with caveats and implementation problems.[9] Kurdish books and newspapers became legal, but the government scrutinizes such publications closely and often uses very broad and ambiguous anti-terror laws to prosecute authors and publishers on charges of

subversion and threats to Turkey's national unity. Parents were given the right to give Kurdish names to their children but names deemed "subversive" (a designation that gave anti-Kurdish civil servants great latitude in what they could forbid) or containing the letters q, w and x were forbidden (although present on every keyboard and in washrooms in Turkey, letters such as W do not officially form part of the Turkish alphabet, but appear often in Kurdish). Permission for private Kurdish language education was likewise granted by the AKP government but hamstrung with a host of limitations and regulations, including the requirement that Kurdish teachers be native Turkish speakers, that students pay a significant sum for the courses, and that the buildings in which the courses be taught undergo code and fire inspections that appear uniquely meticulous and demanding. Most of the half-dozen private courses that attempted to function all failed as a result, leading Kurdish activists to collect 300,000 signatures for public Kurdish-language education (Schleifer 2005). Permission for Kurdish television broadcasting on TRT (the state television station) was also given in 2004, but for only 30 minutes a week at odd times of the early morning. In January 2009, however, a 24-hour government-run Kurdish-language television station, TRT-6, began its broadcasts, accompanied by prepared messages from Prime Minister Recep Tayip Erdogan and President Abdulah Gul. President Gul expressed his hopes that the new television station would "further solidify the unity and fraternity of the people," while Prime Minister Erdogan declared that "This is a step which will strengthen our democracy." Erdogan then went on to offer a phrase of encouragement in Kurdish: "*TRT Ses bi xer be*" ("may TRT-6 be prosperous"). Well-known Kurdish singer Rojin added that "The station is an important step towards peace." The station features news, films, soaps and talk shows, dubbed in Kurdish, as well as video clips by Kurdish artists (Romano 2009).

After its election in 2002, the ruling AKP showed itself especially keen to pursue the EU accession process. A somewhat conservative "pro-Islam" party, the AKP initially feared both the Turkish military, as guardians of the secular Kemalist state, as well as the Turkish judiciary, long viewed as another bastion of Kemalism. In the spring of 2007 the military threatened to remove the AKP from power (referred to as an attempted "e-coup" because of a statement posted on the Defense staff's website warning the government of "consequences" should they insist on defying the military's preferences for a new president) (*The Economist*, February 11, 2010). Had the military carried out its coup in 2007, the roughly ten-year pattern of coups (1960, 1971, 1980–1983 and 1997) and the resultant impingement of democratic deepening in Turkey would have held steady. Prime Minister Erdogan responded to the "e-coup" threat, however, by referring to EU democratization criteria and calling a snap election in 2007. When his government won a renewed and stronger mandate that summer (with 47 percent of the general vote), the military was forced to back down. After that, the AKP narrowly escaped judicial closure in 2008 for violating constitutional provisions forbidding religious politics. Since 1962, 24 mostly pro-Kurdish or pro-Islamic parties have been closed down in Turkey (IHAF 2008). It seems

plausible that the AKP government pushed the EU accession agenda so actively as a means of gaining protection from its Kemalist opponents in other parties, the military and the judiciary, rather than out of a determination to make Turkey more 'Western' or out of a love of Europe. Of course, EU accession requirements and standards also include protection for minority rights and languages, which encouraged Kurdish minority rights reforms.

At the same time, however, the influence of EU requirements on Turkey's Kurdish policy displeased several important Turkish political actors and institutions. The next two largest parties in the Grand National Assembly, the People's Republican Party (CHP) and the National Movement Party (MHP), both oppose the minority rights reforms of the Copenhagen criteria and during the reign of the AKP they began to reconsider EU accession. Deniz Bolukbasi of the MHP made a statement reflecting much of the Turkish establishment's attitude during the 2007 general elections campaign:

> Hailing from a different ethnic background cannot be used as a pretext for initiating a process of separation between the people who founded this state together. Among the founding principles of the state are a single nation, a single homeland, a single flag and a single language. If you attempt to change any one of them, you trigger a process where all of them will be opened to question. Receiving education in one's mother tongue is one of the impositions of the European Union. Different ethnic identities demanding to learn their own languages in private courses (a demand that the AK Party accepted) is not an innocent demand. It will be followed by the demand to teach their languages in private schools. And the next step will be the integration of those languages into the Turkish national education system, and then eventually the process of those languages becoming official languages of Turkey will begin.
>
> All these are the first set of demands included in the outlawed Kurdistan Worker's Party (PKK) political action plan. The most important means of debilitating the consciousness of being a member of the Turkish nation and installing instead the consciousness of being a member of another nation is language. In this regard, one of the most important subjects that shape the Nationalist Movement Party's (MHP) stance against the impositions of the EU is that the EU imposed the PKK's demands on us in the disguise of the Copenhagen criteria.
>
> ("The State's founding identity is the Turkish identity," *Today's Zaman*, July 14, 2007)

The CHP candidate for Izmir, while acknowledging that the state had made errors vis-à-vis "the southeast problem," stated:

> I believe that Western countries try hard to instigate hatred in connection with Turkey's ethnic problems. They once dreamed of a clash between Alevis and Sunnis. They achieved partial success in this. In consideration

> that they would not be able to go further, they plotted another plan to provoke a clash between the Turks and the Kurds. We sacrificed 30,000 people. They now dream of a secularist vs. anti-secularist clash. External powers are heavily involved in this plot. Big countries such as the US, Britain, Germany and France enjoy instigating these problems.
>
> ("Turkey wakes up," *Today's Zaman*, July 14, 2007)

The AK Party after 2002 became more popular than the above-cited CHP and MHP parties, whose political lines reflect the Kemalist status quo. Given their attachment to mono-nationalist Kemalist principles, parties like the CHP and MHP failed to craft effective appeals aimed at Turkey's Kurdish population. In contrast, the AKP emerged as a strong critic of Kemalism and saw no reason why it could not craft policies designed to appeal to Kurds as both Kurds and Muslim brethren of ethnic Turks. Although the AKP's main interest centered on toning down Turkish secularism, the desire to garner votes from Kurdish regions led, with the help of EU accession reform pressure from outside, to more general and substantive reform efforts not seen since the days of Turgut Ozal. The AKP used its strengthened 2007 electoral mandate, which included more votes from Kurdish regions of Turkey than the pro-Kurdish Democratic Society Party (DKP) garnered, to challenge sacred Kemalist policies in addition to the military's role in politics.

Conclusion

When faced with threats from the military or Kemalist establishment to undermine secularism or mono-nationalism, the AKP government in Turkey turned to its twin shields of electoral appeals and the EU Coppenhagen criteria. Both the EU criteria and the AKP's electoral calculus worked in favor of ethnic Kurdish minority demands. By July 29, 2011 the AKP's continuing confrontation with the Turkish military was also decidedly resolved with a civilian victory when Prime Minister Erdogan accepted the resignations of Turkey's top four generals – the commanders of the army, navy, air force and jandarma (*The Christian Science Monitor*, August 5, 2011). With hundreds of other top military officers in prison and facing trial for alleged coup plotting, the era of military interventions in Turkish politics appeared to be coming to a stunning end. The failure of the 2008 Constitutional Court's efforts to close down the AKP also seemed to herald an end to the era of major judicial interventions into the political scene in Turkey. With the end of an era, military and Kemalist-imposed red lines regarding the Kurds faded further from the political scene.

In the June 2011 general elections, the AKP government took home 50 percent of the general vote. With its unprecedented electoral mandate, the AKP continued its efforts to resolve the Kurdish issue in Turkey. Although the government still pursues a military response to the Kurdistan Workers' Party insurgency, AKP leaders simultaneously insisted on disentangling Kurdish demands for more rights from the "terrorism issue" (*Hurriyet*, June 21, 2012). The AKP

has only been partially successful in this effort, with its much-vaunted 2009 "Kurdish Opening" facing serious hurdles and a 2010 turn toward a more Turkish nationalist electoral platform (calculated to woo away voters from the more hawkish MHP) (Gunter 2012). At the time of writing, the PKK insurgency and the government's counter-insurgency campaigns remain quite hot, and thousands of peaceful Kurdish political activists have been imprisoned by the AKP government. Nonetheless, the Kemalist "sacred cows" slain by the AKP in its approach to the Kurdish issue, including a refusal to recognize the Kurds and their language and a denial of the most basic ethnic minority rights, cannot be resurrected. In 2013, the AKP government also went further than any before when it publicly entered negotiations with the PKK to end the Kurdish insurgency (*Today's Zaman*, January 9, 2013). The negotiations are being conducted via the PKK's imprisoned leader Abdullah Ocalan and through the mediation of the Peace and Democracy Party (the successor to the aforementioned Pro-Kurdish DTP Party, which was closed by the Constitutional Court in 2008). The result amounts to a democratic deepening in Turkey, even if hiccups in the process and a long road forward remain.

The Turkish case provides an example of how a suitably motivated domestic political ally (the AKP) can cooperate with international pressure for liberalization and reform (the EU process) to make significant headway. Electoral imperatives and external pressure from the EU led Turkey into a much-contested process of democratic deepening. Of course, now that it has successfully defanged the Turkish military and solidified its hold on power, the AKP may not retain as strong an appetite for EU accession reforms as it did when it first came to power. The reforms pursued under the AKP over the past ten years, especially those involving the Kurds and getting the military out of politics, nonetheless represent a revolutionary transition to a more liberal political system in Turkey. They occurred after more than 70 years of electoral but substantively limited and illiberal democracy. The process thus offers the potential to fundamentally change the state's approach to ethnic minorities. For the first time in Turkey, Kurdish minority grievances are no longer completely ignored or dismissed as "terrorism."

Notes

1 No census in Turkey ever counted Alevis, who are viewed as part of the Muslim community and whose adherents can be both ethnic Turkish and Kurdish. Common estimates range from 10 percent to 30 percent of Turkey's population.

2 For instance, Natali adds that when trying to recruit members of the Alevi Muslim minority, references to Sunni Islam disappeared and were replaced by talk of making the Alevi Bektasi doctrine Turkey's official religion (2005: 72). For additional analyses of Ataturk's initial mobilizing strategy of making his movement seem as inclusive as possible, see David McDowall, *A Modern History of the Kurds* (1997) Chapter 9; or David Romano, *The Kurdish Nationalist Movement: Opportunity, Mobilization and Identity* (2006: ch. 2).

3 For a recent example of this view, see Metin Heper, *The State and Kurds in Turkey: The Question of Assimilation* (2009: 2). Heper asks:

> [W]hen Turkey was in a very vulnerable position in the wake of the First World War, that is, when the armies of that country were dissolved and the weapons of that country confiscated by the British, French, and other countries, why did the Kurds not think of taking advantage of that situation, and attempt to obtain their independence from Turkey? Instead, in 1919–1922, during the Turkish War of Independence, the Kurds, together with the other ethnic elements of the population, contributed to the efforts to maintain the very existence of Turkey.

4 Cited in Yavuz (2005: 239). Yavuz argues that in 1924, "Turk" as a category was more akin to the inclusive notion of "Ottoman," which included any citizen of the empire, even non-Muslims. Gradually, with the 1961 and then the 1982 constitutions, the term "Turk" became increasingly ethnicized, civic rhetoric notwithstanding. Such a view does not offer a convincing account for the 1920s banning of all things Kurdish, however.

5 The DP won an electoral landslide in 1950, garnering 408 parliamentary seats to the CHP's 69. All Turkish citizens, including Kurds, did benefit from increasing levels of political freedom, as long as they did not push the aforementioned constitutional restrictions on ethnic or religious demands.

6 In 1991 the Minister of Public Works, Serafettin Elci, was sentenced to over two years in prison for stating publically: "I am a Kurd. There are Kurds in Turkey."

7 Some people suggest *Turkiyeli* as a term with a grammatical construction in Turkish that specifies a civic rather than ethnic identity, similar to *Amerikali* (American) or *Kanadali* (Canadian), but not *Turk*, *Ingiliz* (English) or *Fransiz* (French). The word *Turkiyeli* was never brought into use, however.

8 The ban on Kurdish still applied in private broadcasts, publications, education, state institutions and political campaigns, however.

9 Portions of this paragraph were adapted from my article for the Jamestown Foundation, "Turkey Addresses PKK Challenge with Kurdish Language Reforms," *Terrorism Focus*, 2009, Vol. 6, Issue 1, January 15.

10 Conclusion

Jacques Bertrand and Oded Haklai

Ethnic diversity remains a challenge for new democracies. The uncertainty at moments of transition motivates democrats to seal institutional configurations quickly, but often at the cost of brokering peace between ethnic groups. When ethnic conflicts are at the heart of the demise of authoritarian regimes, democratic settlements sometimes address crucial issues for ethnic minorities but, more often than not, the accommodation of their claims entails slow negotiations. Violence sometimes erupts. At other times, intransigent states fuel tensions. Stability often disguises minorities' disgruntled acceptance of a fragile new democratic order.

Scholars have long challenged the claim that transitional moments would unleash large-scale violence (Gurr 2000; Cott 1996). Although some cases have in fact followed that path, such as Serbia or Burundi, first elections, new constitutional negotiations, the creation of new political parties, the empowerment of legislatures, or the expansion of civil liberties have not generally been accompanied by large-scale or protracted ethnic violence. Most cases addressed in this book, including the Philippines, Spain, Czechoslovakia, Taiwan, Bulgaria, and Estonia, did not witness such violence during transitional moments.

Nevertheless, cases remain mixed and this book does not dispel that finding. If the prognosis of large-scale ethnic violence was exaggerated, so is the contention that newly democratic institutions can usually offer meaningful channels to peacefully address minority grievances. Instead, as our premise suggests, countries undergoing democratic change have traversed murky paths with respect to the management of ethnic conflict. At times, democratic processes appear to provide new opportunities to negotiate certain compromises – as in Bulgaria, Spain, Indonesia, Malaysia, Taiwan – yet, in others, democratic governments appear as intransigent as their authoritarian predecessors and can fuel more conflict, even violence. Turkey's response to Kurdish demands, Estonia's denial of citizenship to its Russian minority, and Macedonia's brief civil war with its Albanian minority are three of the clearer cases in this respect.

This book makes two broad claims regarding the relationship between democratization and ethnic conflict. First, there is no clear relationship between violence and democratization. In fact, most of our cases show few instances of violence in the immediate aftermath of the fall of an authoritarian regime or even after a few

years. Nevertheless, violence occurs often enough that it is one of several possible outcomes. The determinants therefore of violence or peaceful relations during a democratic transition must be sought at a secondary level of analysis, in factors that differentiate triggers of violence from those fostering peace.

Second, while the absence of violence may be a stable and desirable outcome, it often signifies continued repression or subordination of minorities. In this respect, democratization often fails to provide substantive equality for ethnic minorities. Cases in our book identify particularly challenging problems for effective accommodation of ethnic minorities, given the primacy of electoral victory over policy, poor legal frameworks, and frequent remnants of authoritarian features.

Beyond these broad claims, we offer a number of specific propositions. They relate to factors that interact with democratization to produce violence or its absence, or improvements in ethnic minority status. Significant clusters include institutional configurations, such as ethnic party bans or democratic settlements that solidify dominant majority rule; or the strength of nationwide parties over regional parties in first elections and during constitutional negotiations. Such configurations are often bound by particular legacies of the authoritarian past. Electoral cycles sometimes fuel tensions and violence, particularly in bipolar states or in situations where elections allow groups to reconfigure local identities in zero-sum contests for power and resources. Conversely, they may produce moderation when changes in electoral dynamics at the national level force competing parties to seek support from a previously neglected or mistreated ethnic minority.

Agency can sometimes trump institutional constraints. Several propositions focus on the consequences of particular elite divisions, configurations of alliances or strategies. Democratization alters elite calculations of interests and winning strategies. We trace the outcomes of elite manipulation of identities for electoral or other gains; cross-ethnic alliances to preserve power; and redistributive strategies to counter pressures for democratization. Even within single ethnic groups, elites compete and form different organizations or parties claiming broader group representation. How they interact, compete, or attempt to outbid each other during democratic transitions can determine in part whether violence will erupt.

Finally, international factors, although less prominent, can influence majority–state–minority relations in various directions. Under certain conditions, conflict is often exacerbated when minorities have cross-border ties to neighboring states or with groups in neighboring states that are in tense relations with the host state. On the other hand, international and regional organizations can also provide incentives to states and dominant majorities to be more tolerant toward their minorities. This is particularly likely when the state in question envisions its own identity as at least partly constituted by its relations with its region. The most conspicuous examples are found in post-communist Europe where states were open to EU influence because they saw themselves as part of the "new Europe." In these cases, international norms, identities, and material interests were at play.

Inherited legacies and institutional configurations

Democratization, at a minimum, entails elections and a change in institutional structures. Institutional structures, beginning with constitutions, parliamentary representation, and electoral systems are, of course, very important. Although first elections may be crucial in destabilizing relations between ethnic minorities and the state, electoral cycles are also crucial (Posner 2007). Beyond these static considerations, however, legacies from authoritarian pasts are not easily erased. It is not often that democrats can begin with an entirely new slate of institutional configurations, and these limits were apparent in many of the cases throughout this book.

Choices of institutional configurations are constrained by institutional practices of the previous authoritarian regime. The institutional legacies from the pre-transition period are extensively discussed by Haklai in Chapter 2. Most conspicuously, exclusive national boundaries of many ethnically defined democratic states (ethnic democracies) that emerged in the 1990s, and which privilege dominant majorities, are an inheritance from the authoritarian era. In some cases, such as Bulgaria, Romania, Thailand, and Turkey, the national identity embodied by the state was simply passed on from the pre-democracy era and was not subject to significant contestation during the transition period. The institutional infrastructure of the state was relatively well established and majority ownership of the state consolidated, providing little opportunity for extensive renegotiation of the inherited national identity embodied in state institutions. In other cases, democratization came about following the disintegration of larger communist polities, such as the Soviet Union, Yugoslavia, and Czechoslovakia. Here, too, the pre-transition infrastructure served to mark the national boundaries, as distinct from the citizenry as a whole, around a core nation. During the communist period, republics and other administrative units were established for particular culturally defined groups within the Soviet Union and the Yugoslavian and Czechoslovakian federations. Once these federations collapsed, the ethnoculturally defined republics turned into independent ethnically defined states, inheriting the boundaries of exclusion from their predecessors. However, because these new states were not yet well established, majority political elites implemented policy measures aimed at solidifying the superior status of the titular groups. As a result, minorities were marginalized in the immediate aftermath of such transformations.

There are only few, new departures that allow for completely new constitutional or institutional designs that are tailored to meet new demands emerging in new democratic environments. South Africa constitutes one of the few exceptions in this respect, as does Iraq and to some extent Spain (Horowitz 1991; Choudhry 2008). Even in these cases, constitutional commissions or assemblies are pressured to reach agreement on new foundational principles and law. Although they can be porous to political pressure and lobbying, only a few allow for broad consultation. In any case, the relative strength of political parties and influential lobby groups on the margins of the constitutional process largely

determines the main substantive issues that are subsequently addressed. In these situations, unless a country is emerging once again from violent conflict, the demands of ethnic minorities are rarely high on the agenda. Since many ethnic minorities are too small numerically to be influential, they rely on more powerful allies to represent them in these negotiations.

As Toubeau notes in Chapter 4, agenda-setting is crucial, particularly at times of constitutional negotiations. If minority claims can be raised and discussed in constitutional assemblies or commissions, they run stronger chances of being included in the final document. In this respect, Toubeau's contrast between Spain and Czechoslovakia is particularly illuminating. With the rejection of their Francoist past in Spain, statewide political parties were more open to regionalist and nationalist demands especially from the Basque country, Catalonia, and Galicia, precisely because they were faced with deep grievances spreading back to the civil war. Yet, they were still imbued with a basic belief in a unitary state for Spain, and loyalty to the Spanish nation. This duality was reflected in the kind of constitutional compromise that was made in favor of autonomy. Yet, it emerged against the backdrop of a previously centralized and strongly unitary state, which produced an electoral system and put into place institutional structures that encouraged statewide political parties and majority ascent for constitutional change. Regionalist or nationalist parties could not block, therefore, the constitutional process.

By contrast, Czechoslovakia retained some of the federalist structures from its authoritarian past. It became the basic template for new constitutional negotiations, which was also reflected in its electoral system. Under its new structures, regional parties were strong, and were even provided with veto power in the constitutional process, which is one of the rare examples of such powers for regionally based parties during transitional moments. It is not surprising, therefore, that the outcome differed markedly from the Spanish case and produced secession. Nevertheless, it clearly shows the point that drafting new institutional configurations does not occur in a void. New democracies can only rarely break radically from past institutions.

Furthermore, initial elections often seal new power configurations that highly determine the ability to respond to minority grievances. First elections, although not necessarily destabilizing, create power configurations that sometimes prevent negotiated solutions. Toubeau's chapter shows that the initial distribution of party control in Parliament had vast implications for the contrasting outcomes of Spain and Czechoslovakia. In the former, only statewide parties gained significant presence in Parliament. Although they had regional strength among ethnic minorities, they remained committed to state integrity while open to compromises. In Czechoslovakia, regionalist parties won, therefore significantly restricting the ability to create cross-national compromises during constitutional negotiations.

Electoral cycles, in turn, can have diametrically opposed outcomes. As Lynch and Anderson point out in Chapter 5, Kenya turned into a case of increasing ethnic violence produced, in part, by democratic processes. Political elites in the

Mount Elgon region, where much of the violence of the past few years occurred, had strong incentives to mobilize along ethnic lines in order to exclude groups that had migrated and made claims to local land. Land interests, therefore, dictated a politics of exclusion that created "migrants" and pitted them against claims from "sons-of-the-soil" groups. With each electoral cycle, the tension became higher until violence was unleashed in the last few years

A similar problem, if mainly a threat, is present in many bipolar states. Where a country is divided into two main ethnic blocs, often with one large minority alongside a majority, elections run the risk of fueling ethnic outbidding, as Shoup contends in Chapter 8. Certainly electoral cycles in Sri Lanka produced major Sinhalese parties that increasingly ratcheted up Sinhalese nationalism and exclusionary policies toward the Tamils in their competitive bids to win electoral support. But in Malaysia, as Shoup demonstrates, government redistribution of resources in favor of the Malay majority has been an effective strategy to disarm potential ethnocentric outbidding by rival Malay political forces.

Conversely, electoral cycles in many other locations appear to socialize constituents to democratic moderation. Although it would be a stretch to argue that each election produced more moderation in Turkey, nevertheless the competition between secularists and Islamists did give birth to the Justice Party, the AKP, which significantly transformed the electoral landscape. Following an electoral logic, and seeking support to maintain its majority, the AKP extended more concessions to the Kurds in order to secure their electoral alliance. This strategy has allowed them to remain in power since 2002. Beyond Turkey, in some cases the impact of electoral competition went even further as political parties representing national minorities joined coalition governments; for example, the Democratic Alliance of Hungarians in Romanian (UDMR) and the Turkish-dominated Movement for Rights and Freedom (MRF) in Bulgaria.

Elections therefore can become tools of moderation and compromise where votes from ethnic minorities create significant gains. Where such constituencies are too small, such as Sri Lanka and the Philippines, where the Muslims of the south constitute only a few percentage of total voters, national parties are much more likely to outbid each other in appealing to majority concerns, rather than seek support among ethnic minorities.

Institutional configurations can also seal certain power relations between ethnic groups that can have a strong impact on conflict. The long-standing debate between consociationalists and centripetalists certainly set the parameters of this debate (Horowitz 1985; McGarry and O'Leary 1993; Lijphart 1977, 2008). Ethnic party bans, in many respects, are an integrationist strategy that is consistent with a centripetalist approach. By restricting parties from organizing along ethnic lines, at least in theory states attempt to impose integrationist parties. This strategy, however, may well be limited in its effectiveness, as Bogaards, Elischer, and Becher claim (Chapter 3). A more positive emphasis on "incentives" rather than "restrictions," they contend, may yield better results. Based on an examination of cases across Africa, Bogaards and colleagues argue that "positive" ethnic party bans appear to be more successful at creating cross-ethnic

alliances than "negative" bans based on restrictions. Some common practices include requirements of party registration in a minimum number of regions, party office in several regions, and party leadership from diverse ethnic backgrounds. Of these, they note that the latter two are most effective. Measures using party nationalization also yield similar results, but suggest that positive ethnic party bans work effectively in the presence of certain contextual factors that include the type of electoral system, the degree of centralization of government, the degree of ethnic heterogeneity, as well as the geographic distribution of ethnic groups. Some contexts are likely to make certain types of incentives more effective. Overall, they confirm a tentative set of findings, however, on the usefulness of these mechanisms. By implementing "positive" ethnic party bans, state leaders send positive signals of requirements of national presence rather than restrictive approaches that could be conceived as repressive and intolerant. More comparative research will be useful beyond African cases and also to specify contextual factors where these types of institutional strategies may be most effective.

The case of Turkey may well reinforce these findings or suggest, instead, some of the negative effects of party bans altogether. As Romano shows in Chapter 9, Turkey pursued a whole host of integrationist and assimilationist strategies for decades after its initial introduction in the 1940s of procedural democratic practices. Article 57 of the 1961 Constitution constituted a negative party ban, as it prevented the formation of parties that could threaten the "state's territorial and national integrity." The ban, of course, was mainly in the interpretation of the clause. Judges prevented the formation of ethnic and regionalist parties, as they were deemed to threaten such integrity. The 1982 Constitution went further in its Article 81 by more explicitly banning political parties from "creating minorities," which included provisions that no minorities were recognized along ethnic, religious, linguistic, or regional lines. The effects of this ban did not eliminate ethnic ties, as the later strong mobilization of the Kurds has shown. While Kurds may have been initially subdued after democratization, as Romano shows, they nevertheless mobilized strongly in subsequent decades and even violently. Turkey perhaps shows most clearly the limitations, or even negative consequences that ethnic party bans may have. Of course, they were also implemented alongside a whole host of repressive and assimilationist measures, which again begs the question of the differing contexts where ethnic party bans might be more effective. Used in more positive ways, and without other accompanying measures to deny recognition or some accommodation to minorities, they might yield better results.

Beyond institutions: elite competition, alliances, and mobilization strategies

State leaders and politicians – political elites—reach beyond institutional configurations and electoral strategies to manage ethnic conflict. At times, these policies favor particular ethnic groups and elite mobilization follows a familiar

downward spiral of ethnic favoritism and sometimes exclusionary policies (Snyder 2000; Gagnon 1994; Klopp 2001). More surprisingly, under certain conditions, political elites tend to seek cross-ethnic alliances, or devise schemes to foster moderation and reduce conflict in ways that can be beneficial to both minorities and majorities.

Lynch and Anderson in Chapter 5 depict the familiar story of elite mobilization serving material interests. In Kenya, as in many other cases, elites of particular groups chose to use democratic processes to mobilize along ethnic lines and to create a rhetoric of "autochthony" that could allow them to claim land held by "outside" groups. Scarcity of land and resources certainly can create these kinds of incentives for elites. Where competition appears as a zero-sum game, as was the case in Kenya, elites often perceive an electoral pay-off in the mobilization of ethnicity and in raising ethnic fears. It is a dangerous game that often spirals into violence. While part of this dynamic derives from incentives built into the electoral system, elites also make choices to manipulate identities and exploit electoral opportunities through claims to indigenousness. Yet in many other cases of comparable groups in Africa, with similar access to land, elites have not engaged in similar exclusionary rhetoric and violence. More in-depth analysis is required to assess the conditions that are ripe for ethnic elites to mobilize constituencies under "sons-of-the-soil" claims and fuel conflict.

Conversely, why do some leaders actively build alliances across ethnic lines? Two chapters shed light on some of these processes. Laliberté's analysis of Taiwan (Chapter 7) has shown the political strategies employed by the politically dominant "Mainlanders" to reduce frictions with the majority Taiwanese and thereby avoid violent conflict as the regime was steadily preparing for democratization. From informal alliances with Hakka and Hoklo Taiwanese to bolster their support, the Mainlander political elite also nurtured Buddhist associations whose membership spanned all three ethnic groups, thereby creating cross-ethnic communities of interest. These alliances remarkably reduced the incentives and potential for mobilization of the ethnic majority against the dominant minority.

In the end, a minority in power needed support from the majority group in order to have chances of maintaining power following democratization. Pressures to democratize were exogenous to questions of ethnic relations, as they are in most cases. Nevertheless, the regime's ability to control and prepare the transition allowed it to build cross-ethnic alliances that could avert violent conflict as political change was initiated. Laliberté emphasizes the particular circumstance of dominant minorities, whereby there is a stronger political incentive to adopt such strategies given the need for political support from the majority ethnic group under a democratic regime. One might be more doubtful that such political expediency may motivate ethnic majorities in a similar kind of situation where they control the pace of democratization. The same requirement for political support from ethnic minorities is not as immediately evident. Furthermore, such alliances through religious organizations had the particular advantage precisely of not proposing more integrationist strategies that are often perceived as

assimilationist. The strategy is perhaps most effective where such ties are specific and not necessarily part of a broader integrationist strategy.

Nevertheless, one can recognize similar kinds of political strategies among ethnic majorities in some contexts. In other settings, leaders of ethnic majorities, once in power, have used strategies to curtail powerful ethnic minorities with the goal as well of ensuring more stability. As Shoup has argued, they set up different schemes to prevent previously powerful ethnic minorities, either in politics or the economy, from maintaining or re-establishing their dominance. They do so, however, as a means of avoiding worst-case scenarios by which extremists could mobilize along ethnic lines and produce violent conflict.

The political logic of ethnically based redistributive policies is similar, in this respect, to political alliances sought by dominant minorities. In this case, leaders of ethnic majorities seek alliances to create moderate outcomes. The trade-off, however, is to target ethnic minorities and create schemes that consolidate ethnic differences rather than dilute them. It creates and maintains a differentiated status to preserve stability, whereas ethnic minorities find few political avenues under democratic politics to prevent these redistributive schemes. They buy into these ethnically based redistributive policies to soothe ethnic majority grievances against them, and avoid being scapegoated.

Where ethnic minorities have previously been dominant, particularly economically, their continued economic strength may help to prevent ethnic mobilization against them. Scapegoating and playing into extremist agendas may leave ethnic leaders in the majority with few abilities to continue obtaining resources from these minorities, which are likely then to lose their economic base or leave the country if possible. In turn, redistributive schemes provide a political mechanism that encourages moderation, but falls short of adequate status for ethnic minorities.

Finally, leaders of ethnic minorities are also influenced by the changing landscape of incentives and constraints for mobilization. Why do they choose certain strategies under new democratic contexts, and what are their effects? Bertrand and Jeram address this question most directly in Chapter 6. One effect of democratization is to split ethnic group representation among many different organizations. Under authoritarian rule, ethnic organizations are often either banned or limited in their numbers and scope. When illegal, they are often an armed organization that monopolizes group representation. With a loosening institutional structure, multiple organizations tend to re-emerge. New ones are created. As a result, competition increases to represent the ethnic group and strategies vary to advance group interests.

Violence, in this context, tends to be fueled by competition among intragroup ethnic organizations. One that advocates violent strategies is often undermined and marginalized when a number of alternative organizations seek compromise and negotiation with the state. In those contexts, violence becomes a way not only of seeking redress for group grievances but also to sideline competitors. It certainly explains in large part why ETA continued its violent campaigns following Spain's democratization and why the Moro Islamic Liberation

Front intensified its violent attacks when its competitor, the Moro National Liberation Front, negotiated a peace agreement with the government of the Philippines. In Kenya, as Lynch and Anderson have argued, such competition has been intertwined with redefining ethnic categories all together. In this case, it is increasing division within one ethnic group, the Sabaot, which fuels the impetus to form a violent organization, the Sabaot Land Defence Force (SLDF). The SLDF came to represent subgroups of the Sabaot that were deprived of land allocations, and increasingly resented the failure of local politicians and institutional channels to address their claims. As mentioned before, the electoral cycle contributed largely to such incentives to create new ethnic categories and mobilize them electorally to obtain land allocations. Yet, the repeated failures and electoral strategies provide catalysts for the formation of the SLDF and the choice to pursue violent strategies. Once created, many of the SLDF's violent actions were targeted at members of their own group who remained active in established political parties. The SLDF engaged in attempts to increase its dominance of Sabaot representation and to marginalize (or intimidate) politicians in a competitive bid for power among the group. At some level, therefore, the competition among local organizations follows a pattern seen in the Philippine and Spanish cases.

Short of violence, ethnic competition often breeds intolerant positions. In the case of Sri Lanka, as Brian Shoup shows in Chapter 8, the Sinhalese were divided among several competing political parties that engaged in increasing outbidding, culminating in the 1956 elections that were a turning point for parties supporting a Sinhala-only language policy. Avoiding such outbidding practices among the majority group was certainly part of the policies of the Fijian, Sri Lankan, and Malaysia governments' choices to favor the majority while avoiding worse violence against the majority. Of course, the latter policy ultimately failed in Sri Lanka, where outbidding occurred both among the majority and the minority, thereby polarizing the society even more, and leading to entrenched civil war.

Toubeau also traced the effects of outbidding in the case of Czechoslovakia. Even if founding elections gave vast majorities to parties with moderate stances and federalist orientations, the presence of smaller pro-secessionist parties prompted mutual outbidding on nationalist issues. Increasingly, all parties shifted toward more nationalist agendas among the Slovaks, thereby making support for independence much more widespread.

The Sri Lankan case notwithstanding, when groups tend to cooperate or when one ethnic organization emerges as the main representative, it often becomes easier to channel group demands through new democratic institutions. Papuans in Indonesia chose that route, as the Free Papua Movement cooperated with a strong new popular forum representing them. So did the Miskitos, who abandoned violent opposition and chose to amalgamate into one organization to negotiate with the government, as Bertrand and Jeram have shown.

The complexity involved in democratization processes thus comes into play in numerous ways. Legacies from the pre-transition period matter, as do the

structure of society and strategic choices made by relevant actors, locals, and outsiders. In contrast to the pessimists, democratization frequently improves ethnic minority status, but paths to improvement can often be murky. In contrast to the perpetual optimists, democratization is indeed a messy process that, if unleashed without caution, can be divisive and sometimes lead to violence. Democratization tends to be a relatively long, non-linear process that often remains in a gray zone. The effect on ethnic politics is not straightforward and requires detailed, in-depth assessments of causal processes often involving numerous intermediary factors. This book suggests the need to disaggregate further the relationship between democratization and ethnic conflict in various cases, and offers some comparative pathways for analysis.

Looking ahead

As the very process of regime change entails a high degree of uncertainty and potential instability, transitions in multi-ethnic societies will inevitably continue to be accompanied by questions about the quality of inter-ethnic and state–ethnicity relations. During times like these, ascriptive group identities threaten to become particularly salient, and intergroup suspicions and tensions may arise if left unattended with great care.

The upheavals in the Middle East in recent years serve as concrete testimony for the continued significance of democratization–ethnic politics relations well into the twenty-first century. In Egypt, the removal of President Hosni Mubarak gave rise to intense fears of Christian Copts. Alawi minority apprehension about potential Sunni retributions has undoubtedly fuelled the intensity of the civil war in Syria. In Iraq, inter-sectarian violence continues to permeate public life. The Middle East is by no means alone. In Africa, countries such as Côte d'Ivoire, Senegal, and Sierra Leone have taken strides along the path of democratization, yet their recent history points to their ethnic conflict vulnerability. Similar questions could also arise in countries in other regions of the world that exhibit initial signs of reform, like Georgia, or even Myanmar (although its reforms are still preliminary). Ultimately, the success or failure of any democratization project in deeply divided societies requires an in-depth understanding of how mediating factors interact to yield conflict or compromise.

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Democratization and Ethnic Minorities

Ethnic diversity remains a challenge for new democracies. The uncertainty at moments of transition motivates democrats to seal institutional configurations quickly, but often at the cost of brokering peace between ethnic groups. When ethnic conflicts are at the heart of the demise of authoritarian regimes, democratic settlements sometimes address crucial issues for ethnic minorities but, more often than not, the accommodation of their claims entails slow negotiations. Violence sometimes erupts. At other times, intransigent states fuel tensions. Stability often disguises minorities' disgruntled acceptance of a fragile new democratic order.

Jacques Bertrand is Associate Professor of Political Science at the University of Toronto, Canada.

Oded Haklai is Associate Professor in the Department of Political Studies at Queen's University, Canada.

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